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Government
Publications

M-TRAC

for rail safety

(8)

SUBMISSION TO THE GOVERNOR IN COUNCIL

In relation to

The need for federal action to reduce the very high level of dangerous goods rail accidents and incidents in Canada, especially in sensitive urban areas

and in relation to

The apparent failure of The Transportation Safety Board of Canada to fulfill its mandate and meet its responsibilities to the public of Canada, resulting in a waste of public funds.



December 1991

M-TRAC is a non-profit Metrowide organization of ratepayers, residents and other groups who following the Mississauga train derailment joined forces to investigate and advocate rail safety in densely populated urban areas. Members are committed to initiate legislative and other changes necessary to ensure public safety particularly in the transport of dangerous commodities by rail.

We gratefully acknowledge contributions from individuals, groups, municipalities and the Province of Ontario whose support made this and other reports and submission possible.

COVER PHOTO – Tank car 'bomb' of deadly chlorine gas forces evacuation of 225,000 residents while fire fighters confront blazing and rocketing propane tank cars following spectacular derailment of CP freight train at Mississauga, Ontario on November 11, 1979. (Photo: Globe and Mail)

M-TRAC

for rail safety

TRO TORONTO RESIDENTS' ACTION COMMITTEE

University Avenue, Suite 1202, Toronto, Ontario, M5H 3M7

Telex 065-24481

Phone (416) 365-0301

December 2, 1991

REGISTERED MAIL
WITHOUT PREJUDICE

Honourable Don Mazankowski PC MP
President of the Queen's Privy Council for Canada
Langevin Block
Wellington Street
Ottawa K1A 0A3

Attention: Mr. P.M. Tellier
Clerk of the Privy Council

Dear Deputy Prime Minister:

With rail carriers moving heavy loads of dangerous chemicals through urban areas, we bring to your attention the alarming situation where rail accidents and dangerous goods incidents continue to climb amid deterioration in the rail safety structure.

We quite readily understand that the carriers must be given room to compete under a minimum burden of regulation, but the public of Canada also has the right to reasonable protection from the frightening prospect of another rail disaster. Those armed with responsibility for federal supervision, regulation and investigation into rail safety have shown less than proficiency in their operations.

It is quite easy to say that the carriers themselves bear sole responsibility for accidents but as the judicial investigation of the 1979 Mississauga derailment noted, those in the federal administration who had responsibility for safety were open to criticism for "doing nothing."

You may well ask why the government of Canada should be spending \$27,000,000 a year to maintain the Transportation Safety Board of Canada when that Board has shown inability to produce one railway accident investigation report in 20 months of its existence. Dozens upon dozens of uncompleted reports are floating somewhere in that edifice while promises of rapid report publication have proven empty.

And the manner in which Transport Canada keeps chipping away at the existing safety regulations, obviously to reduce carrier maintenance outlays, suggests deliberate action to load more and more risks on the public while sanctimoniously pledging the highest priority for public safety.

More and more people are being killed at rail crossings. More and more tank cars are leaking their dangerous chemicals. More and more trains are pulling into yards with faulty brakes, faulty communications systems and disgruntled employees.

M-TRAC

for rail safety

Form 1001 (Rev. 10-80)

Form 1001 (Rev. 10-80)

Form 1001 (Rev. 10-80)

Form 1001 (Rev. 10-80)

Form 1001 (Rev. 10-80)



Form 1001 (Rev. 10-80)

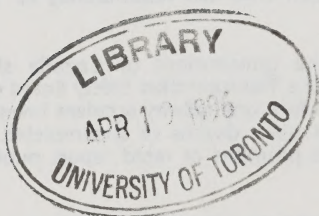
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Form 1001 (Rev. 10-80)

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Form 1001 (Rev. 10-80)

Honourable Don Mazankowski PC MP - - 2.

You were good enough to establish the Toronto Area Rail Transportation of Dangerous Goods Task Force which produced 130 recommendations for safety improvement. While Transport Canada makes a great show of insisting that most of these recommendations have been implemented, it would appear that very little has been done. And in the meantime the department keeps cutting away at existing safety programs.

We have stated before that the situation has become intolerable. Whatever approach that is available for possible solutions must be tested, including the judicial process. We plead with you and your colleagues to give this matter your earliest attention. We have asked for a response in 60 days. We trust the response will be positive.

Yours sincerely,

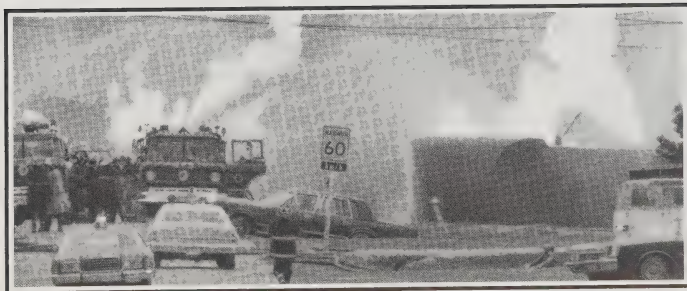
A large, stylized handwritten signature in dark ink, appearing to read "Harold Morrison".

Harold Morrison
Chairman

Registered Mail

c.c.: Mr. John Stants, Chairman
Transportation Safety Board of Canada

c.c.: Members of Privy Council
Hon. Alan Redway MP
Hon. David MacDonald MP
Hon. Gilles Pouliot MPP
Chairman and Members of Metro Council
Mayors and Members of Council -
Toronto, Etobicoke, York, North York,
Scarborough, East York
Chairman and Members of Regional
Municipality of Niagara Council
Mayors and Members of Council -
Niagara Falls, Port Colborne,
St. Catharines, Thorold, Welland,
Fort Erie, Grimsby, Lincoln,
Niagara-on-The-Lake, Pelham, Wainfleet, West Lincoln
M-TRAC directors



SUBMISSION TO THE GOVERNOR IN COUNCIL

In relation to

The need for federal action to reduce the very high level of dangerous goods rail accidents and incidents in Canada, especially in sensitive urban areas

and in relation to

The apparent failure of The Transportation Safety Board of Canada to fulfill its mandate and meet its responsibilities to the public of Canada, resulting in a waste of public funds.

December 1991

PREFACE

Twelve years ago a nerve-shattering rail accident shook the City of Mississauga. It sent shock waves into other areas where huge chemical traffic cuts through heavy population centres. Some damage suits are still before the courts. It was a costly accident.

Had federal authorities taken sufficient precaution to prevent such an accident? Mr. Justice Samuel Grange, the investigating chairman, concluded that the authorities had done very little. In some areas of rail safety they had done "nothing".

Over the years, authorities in charge of rail safety have changed and methods of approach have changed. Where once the process of regulation and investigation was fairly open, and the affected public encouraged to participate, now doors are closed. There is an air of secrecy, of maneuvering behind locked doors, of slipping decisions out in the dead of night, so to speak.

Chemical rail incidents and rail accidents in general are rising right across the country. The federal body responsible for issuing rail accident reports is dead slow in producing anything. The Regulator seems more concerned with ways of chopping safety regulations to save the carriers money.

Trade Minister Michael Wilson, then Finance Minister, put it succinctly in 1984: Over time the regulator tends to become captive to the industry he is suppose to regulate.

Mr. Justice Grange said forcefully that federal safety authorities are directly responsible to the public. Can anyone in Ottawa deny that? Why are these authorities stalling in fulfilling their obligations? Is there nothing learned from Mississauga? Must we repeat the lesson of suffering to force a change in a costly, money-wasting "do-nothing" attitude?

5. Instead of moving aggressively to help stem the rise in rail accidents and incidents, the Board appears to have retreated behind a fortress-like attitude, probably concluding that the language of the published report is to some extent more important than its substance.

6. The irony in this wasteful and unproductive situation is that it has developed despite pledges of the Honourable Don Mazankowski, when Transport Minister, that the new Safety Board would produce investigation reports rapidly, perhaps in no more than 60 days, and that office-bound staff would be reduced in order to place more investigators in the field. The very opposite has taken place with senior management building up more internal office divisions which dilute the power of divisional chiefs, even to the point of duplicating effort. More internal staff has been added with no apparent benefit to the public. Field investigators have not been strengthened.

7. Federal responsibility for protection of the public at risk in the transport of dangerous chemicals and other products by rail cannot be disputed. It was recognized in the orders and duties of the now-replaced Canadian Transport Commission and its special Railway Transport Committee. Part of the reason for dismantling the CTC was the fact that it wore too many hats - - regulator, investigator and judicial arbitrator.

8. The federal government acknowledged that to protect the public these functions had to be separated. This led to the development and establishment of the National Transportation Agency and later the Transportation Safety Board of Canada.

9. The need for safety as a first priority was acknowledged in the National Transportation Act of 1987 (see Appendix C) and the Railway Safety Act of 1988 (see Appendix D). The need for safety has been acknowledged and accepted by every study and commission established especially since the Mississauga derailment of 1979. Warnings of the consequences of failure to take action have been voiced by numerous consultant specialists.

10. The need for a pro-active Safety Board to deal with this problem was emphasized by the Toronto Area Rail Transportation of Dangerous Goods Task Force, under the chairmanship of Mr. Harold Gilbert, former Deputy Transport Minister of Ontario. This \$2,000,000 task force, the most intensive of its kind in Canadian history, was established by the federal government in 1986 by the Honourable Don Mazankowski. The task force recommended that investigations be completed and reports issued quickly to the public. It stated:

"The federal Regulator ensure that investigations into dangerous goods accidents are initiated promptly; that the 60-day deadline for issuance of the results be met, and that follow-up action on deficiencies or faults shown in the investigator's report is launched without delay."

11. It is submitted that the federal government has a moral and legal commitment to meet its pledge for rapid publication of rail accident investigation reports and that it show evidence of action to overcome deficiencies. It is further submitted that failure to meet this commitment is a matter for judicial pursuit.

12. Dangerous goods incidents, which include tank car leaks undetected in some cases from the time the train moves from the loading yard to the final destination, increase contamination of the railway right of way and often spread to adjoining soil and well-water areas. Many of these leaks can be prevented by more disciplined supervision in loading and unloading and by greater surveillance along the transport route.

13. The federal task force which studied the Toronto Area called for national reforms which would benefit all urban areas. Very few of these reforms have been implemented. With two senior railway company representatives on the task force membership, it called for:

“Safety be assigned top priority in the transportation of dangerous commodities and that the promotion of safety be publicly tangible, visible and paramount.”

14. The Transportation Safety Board of Canada was established for that purpose. It was designed to provide meaningful information for the public and convey Board plans to ensure that the accident is not repeated (see Appendix E).

15. Reputations of some Board officials may have been burned by association with the old Canadian Aviation Safety Board which was split by internal bickering and disputed findings. But that is no reason why the public of Canada should be denied prompt access to investigation findings. Tardy public release of accident reports will not put lustre on the Board's image.

16. We fear there may be a deeper purpose in stretching out the time spent in preparing the investigator's report for publication. Complacency among those at risk may be nurtured by placing greater distance between the accident and the report's publication. That may be the bureaucratic view.

17. It is true that the Board's staff from time to time issues confidential messages to Transport Canada warning of serious problems found by accident investigators. These messages are not provided for wide public distribution and the force of these internal messages appears to have little influence in actual regulatory changes by Transport Canada. It is known that in many cases Transport Canada simply acknowledges receipt of the message and the Board does very little to press for Transport Canada's implementation of its recommendations. We see this as a weakness in safeguarding the public at risk.

18. The Board has power to take action of its own through public inquiry and technical research. It has power to enter premises and judge whether certain shipping procedures should be changed. It has power to voice concern over general safety trends and bring its authority to bear on those who may be contributing unduly to over-all risks. These steps would indicate positive determination by the Board to reduce the heavy load of accidents which are even greater than published figures indicate. Many accidents and incidents are simply not reported to the Board because they fall into a category of regulatory exceptions or simply occur without the Board's knowledge through carrier default.

19. While accident numbers grow and the public becomes more alarmed, authorities responsible for the public protection simply stay under cover. We fear that the Safety Board may turn into another bureaucratic disaster, even more unproductive than its predecessors. The high cost of maintaining the Safety Board in its present do-nothing mood is wasteful and because the lack of action sends the wrong signals to the shippers and carriers.

20. The federal task force under Mr. Harold Gilbert called for "an ongoing Safety Audit" independent of both the Regulator and the Accident Investigator.

"This independent operational audit must be comprehensive, and all-inclusive, encompassing all parties involved in the transportation system - - from the shipper, through the carrier, to the customer."

Nothing of this kind appears to have been undertaken by federal authorities. Safety officials are not even certain how many rail accidents actually occur. The cause of one minor unreported occurrence may later show up as the cause of a major disaster.

21. The need for Safety Board surveillance is intensified by reduced public confidence in the federal Regulator who, we maintain, has allowed safety standards to deteriorate. Regional regulatory inspections have been reduced; rail crews have been reduced; inspection of dangerous goods tank cars stored on urban rights of way are flagrantly relaxed or ignored; safety regulations are amended, diluted and occasionally crushed.

22. Frustrated municipalities which have called for public inquiries into federal handling of rail safety responsibilities have been rebuffed time and again. Metro Toronto municipalities are determined to obtain rail safety improvements by all means possible (see Appendix F & G). The views and needs of the City of Toronto and the views and needs of Metro Toronto were voiced and documented before the Harold Gilbert Task Force (see Appendix H). The last hope was that the Safety Board itself would recognize the urgent need to reassure the public and openly demonstrate determination to find safety improvements.

23. The Safety Board's preoccupation with the form of its investigation reports without open and substantive action to gain improvements in the handling and transport of dangerous goods is an indication of what the public can expect from this Board.

24. Once again the public demands the quick release of the railway accident investigation reports and clear statements from the Safety Board that it is determined to seek remedies to protect the public at risk. This Board has not produced one completed rail accident report in 20 months of its existence. This is a shocking indictment of its inadequacies or narrow interpretation of its responsibilities in the face of a crying public need.

25. The courts may be the place of last resort in the event that the Privy Council simply turns it back on this issue. The Honourable Don Mazankowski is well aware of the problem. He has made specific pledges and commitments. He has shown interest and integrity and compassion in forming the Toronto Area Rail Transportation of Dangerous Goods Task Force. He understood the need to dismantle the old Canadian Transport Commission and separate its powers to prevent collusion and to demonstrate the Investigator's independence from the Regulator's influence. Mr. Mazankowski's actions have been helpful. The Investigator is clearly at fault. He has failed in his job to get the information before the public as quickly as possible as Mr. Mazankowski has pledged. He mentioned a deadline of 60 days. The Harold Gilbert Task Force has taken that 60-day pledge and has thrown it back at the government.

26. Explanations by the Safety Board as to why it cannot meet that 60-day deadline can be accepted, only when it is clear that the Safety Board is struggling by all means possible to get the report out soon thereafter. But to offer excuse after excuse as why more time is needed is simply not acceptable. There may be internal problems with senior management, as there were with the old Canadian Aviation Safety Board, whose reputation ended up in tatters. But that is a matter which the Board itself must resolve without forcing the public at risk to suffer. The Board was put in place to serve the public, not the whims or power plays of internal bureaucrats.

27. Mr. Justice Samuel Grange put it very clearly in dealing with the Mississauga rail accident investigation: the carrier has a duty to its shareholders; the federal authority responsible for safety has its primary duty to the public.

28. The Honourable Michael Wilson also put it clearly in an 1984 policy address (see Appendix I):

"There is a line of reasoning that suggests that regulatory agencies over time become captive to the industry they are supposed to regulate and this, in turn, can lead to issues such as safety being given a lower priority than is warranted in the greater public interest."

29. There has to be a reasonable balance between the carrier's needs to operate efficiently and in an atmosphere of minimum regulation and the public need to be protected against involuntary risk. But where the carrier fails to provide adequate means of protection, the Regulator and Investigator must step in and order the necessary protection in no uncertain terms.

30. That was made clear by Mr. Justice René P. Foisy in his report on the Hinton train collision of 1986 which took 23 lives. He concluded that the need to enforce safety standards was paramount (see Appendix J). Penalties for safety-related infractions should be severe. Government agencies which carry responsibility for the maintenance of rail safety have to be held accountable for their actions.

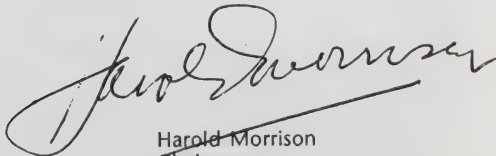
31. For example, when the Canadian Transport Commission, after intensive public hearings, ruled that cabooseless trains would be allowed to operate in Canada, providing an electronic end-of-train unit was fixed to the rear of the train, it stipulated that the rear of the train be marked by a flashing light. That ruling was specifically incorporated in the Commission's decision which had the force of law. Now we are informed by field observers that the flashing light has disappeared. Without consulting the public at risk, Transport Canada simply changed the Operating Rules allowing the railways to function

without the flashing light, obviously to save the cost of battery replacement (see Appendix K). The risk was simply increased without consulting the public or even informing the public. This action may be ruled unfair by judicial review which we may be forced to pursue.

32. We appeal to the Governor in Council to support the public need for reasonable protection. We appeal to the Governor in Council to enforce rapid disclosure by the Transportation Safety Board of Canada of rail accident findings, including recommendations for adequate remedies. We appeal to the Governor in Council to meet the commitments of the Honourable Don Mazankowski on the 60-day deadline for publication of investigation reports, or within a reasonable time frame of the 60-day deadline. The public needs assurances that decisions affecting public safety are not taken behind closed doors and that the public at risk be fully consulted.

33. We ask for a response from the Governor in Council within 60 days of receipt of this submission and without prejudice reserve the right to take the matters within this submission to the Federal Court of Canada.

December 2, 1991.



Harold Morrison
Chairman

APPENDICES



M-TRAC

for rail safety

ETRO TORONTO RESIDENTS' ACTION COMMITTEE

University Avenue, Suite 1202, Toronto, Ontario, M5H 3M7

Fax (416) 862-0331

Phone (416) 365-0301

REGISTERED MAIL

November 19, 1991

Mr. John W. Stants
Chairman
Transportation Safety Board of Canada
P.O. Box 9120
Alta vista Terminal
Ottawa K1G 3T8

Dear Mr. Stants:

We are alarmed by the rise in rail accidents across the country and more particularly the unprecedented increase in dangerous goods rail incidents which may reach a shocking total of some 600 by the end of the year.

It may not be a wild assumption to suggest that by this time many railway rights of way and many terminals and classification yards in Canada must be contaminated. And we wonder how much of this pollution must be seeping into the Niagara and other drinking water sources that serve Southern Ontario.

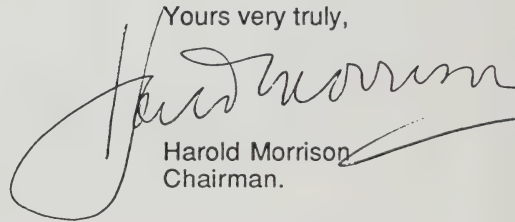
With an annual budget of some \$27,000,000 at your disposal for all investigative duties, we had hoped that by this date the Board would have produced a number of solid remedies aimed at reducing the dangerous goods rail incidents which pose such serious problems.

Despite the promises and assurances we received from you and your Board last June, we see no evidence of improvement and indeed there still has not been one completed rail accident report issued to the public. The Board seems to be intent upon building a fortress-like attitude against outside intrusion and we have concluded that the public at large cannot be properly served with this kind of approach.

Mr. John W. Stants . . . 2

On October 16, 1991, the board of directors of the M-TRAC organization instructed me to seek remedies through the courts. I am frankly reluctant to make such a step because of the complexities and expense involved but I see no alternative. I therefore serve notice that a submission will be placed before the Governor in Council as the first stage in this process.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Harold Morrison', with a large, sweeping loop at the end.

Harold Morrison
Chairman.

c.c.:

- Members of Privy Council
- Mr. Paul Tellier
- Hon. Alan Redway
- Hon. David MacDonald
- Chairman and Members of Metro Council
- Hon. Gilles Pouliot MPP
- Mayors and Members Council -
 - Toronto, Etobicoke, York, North York,
 - Scarborough, East York
- Chairman and Members Regional Municipality of Niagara Council
- Mayors and Members of Council -
 - Niagara, Niagara Falls, Port Colborne,
 - St. Catharines, Thorold, Welland,
 - Fort Erie, Grimsby, Lincoln,
 - Niagara-on-The-Lake, Pelham,
 - Wainfleet, West Lincoln
- M-TRAC directors



Office of the Chairman

Bureau du Président

Our file Notre référence

124-6

P. O. Box 9120
Alta Vista Terminal
Ottawa, Ontario
K1G 3T8

August 23, 1991

Mr. Harold Morrison
Chairman
Metro Toronto Residents' Action
Committee (M-TRAC)
181 University Avenue, Suite 1202
Toronto, Ontario
M5H 3M7

Dear Mr. Morrison,

Thank you for your letter of August 12, 1991, which I believe must have crossed with my August 7, 1991 letter to you.

Your letter expresses concern about the length of time it takes for the TSB to release final reports on its investigations. If I understand your letter correctly, a major reason underlying your concern with the time involved in producing final reports is that you feel information necessary to the public is not made available until the final reports are released.

As I hoped we had made clear at our meeting with you on June 13, 1991, the TSB's policy and practice is to make available to the public factual information during the course of investigations. The TSB does not wait until the public report is produced to share information necessary to ensure public safety or to allay public concerns. When required to ensure transportation safety, the TSB can also make safety recommendations prior to the production of final reports.

That said, we are of course eager to produce our reports as quickly as possible. We must also ensure reports produced are in line with the requirements of our enabling legislation and are of the best possible quality. As we discussed at our June meeting, the Act under which we operate imposes a procedure we must follow in making our reports: on a confidential basis, the

.../2

Board must send draft reports to persons with a direct interest in the report findings, and these persons must be given an opportunity to make representations to the Board before the final report is prepared. The Board must then consider those representations before preparing its final report.

The reason for this process is to ensure the greatest possible accuracy in the report itself and to ensure "procedural fairness", that is, to ensure persons mentioned in the report have an opportunity to make representations to the Board.

Another key aspect of producing a report with sound findings is to ensure the investigation itself uncovers all relevant evidence and that the analysis of that evidence explores all avenues as thoroughly as possible. This takes some time, which is always well invested.

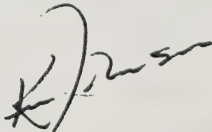
Finally and very importantly, we must ensure any recommendations we make in our reports are well thought out so that if implemented they will be certain to advance transportation safety. All these aspects of report production are time consuming.

The Board has at present five draft reports on railway occurrence investigations which have been circulated for comment to interested persons, and there are a further eight reports ready for Board consideration prior to their release as draft reports. In addition there are seven or eight other reports close to readiness for Board consideration and release as draft reports.

I believe the quality of these reports will be good, and I expect that the recommendations we make, if implemented, will serve to advance the safety of railway transportation.

I very much look forward to having your comments on these reports when they are released.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Stants', with a stylized flourish at the end.

2 John W. Stants
Chairman

M-TRAC

for rail safety

TRO TORONTO RESIDENTS' ACTION COMMITTEE

University Avenue, Suite 1202, Toronto, Ontario, M5H 3M7

Telex 065-24481

Phone (416) 365-0301

August 12, 1991

RECORDED DELIVERY

Mr. John W. Stants
Chairman
Transportation Safety Board of Canada
PO Box 9120
Alta Vista Terminal
Ottawa K1G 3T8

Dear Mr. Stants:

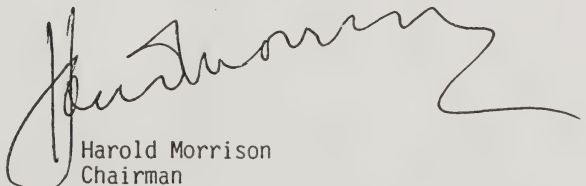
It is now two months since you provided us with assurances that the Board's railway accident investigation reports, which have been accumulating within the Board, would be made public and given public distribution

Our directors are concerned over the long delay in public disclosure, particularly with the continuing rise in rail accidents and the lack of improvement in Transport Canada rail safety operations.

Bureaucratic niceties cannot take precedence over the public need to know. There is a responsibility within your Board to provide the public with some measure of protection. We have no indication that the Board, so far, has done very much to offset the deficiencies in Transport Canada. We need these accident investigation reports as quickly as possible and we hope this letter will lead to an immediate response.

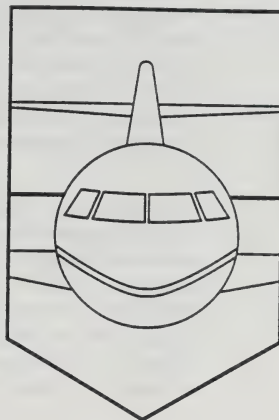
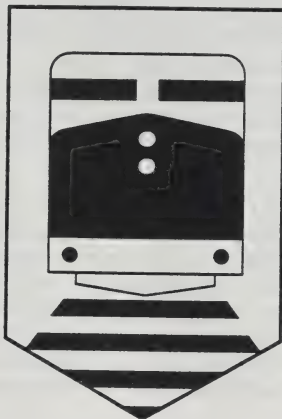
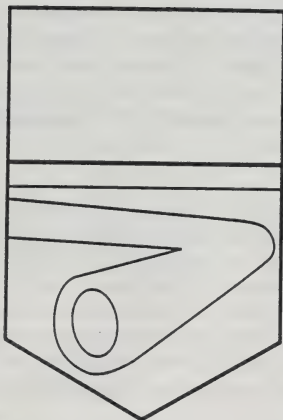
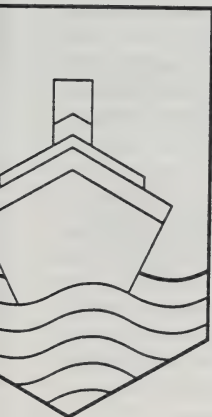
Let me assure you that we continue to look to your Board with confidence that the current situation will improve. We realize that organizational matters can cause some internal delays but the current situation is becoming intolerable.

Yours sincerely,



Harold Morrison
Chairman

cc: Hon. Don Mazankowski PC MP
Deputy Prime Minister



**SUMMARY OF
RAILWAY ACCIDENTS/INCIDENTS
September 1991**

For further information call (819-953-5923)

CHANGES TO STATISTICAL PRESENTATION OF RAILWAY OCCURRENCES:
EFFECTIVE OCTOBER 1, 1991

In order to adhere more closely to the philosophy of the forthcoming TSB occurrence regulations, and in an attempt to achieve multi-modal uniformity in data presentation, railway occurrences have been statistically re-classified into two broad categories: accidents and incidents. Accidents include derailments, collisions, accidents at highway/railway crossings, and cases of persons being struck by railway rolling stock. Incidents are mostly composed of dangerous goods car leakages (but include other dangerous goods occurrences such as explosions and theft), and also include other railway incidents such as near collisions, inappropriate switching and runaway rolling stock.

Derailments and collisions that are attributable to private (non-railway) industry are now presented as a separate statistical accident category. Occurrences that take place on private non-railway trackage and are the responsibility of the private industrial company are not reportable to the TSB unless they involve dangerous goods. These occurrences are normally reported by the railway company that services the trackage. In earlier years, such accidents were comparatively few and in most cases were statistically categorized as dangerous goods incidents - since they were not attributable to a railway under federal jurisdiction. Private companies have been increasing their rail related operations and this is reflected in the recent increases in accidents at such locations. Incident totals have been adjusted accordingly.

The forthcoming 1990 Annual Summary of Railway Occurrences will present occurrence totals under the new classifications for all categories back to 1981.

TABLE 1

Accidents/Incidents As of 30 September 1991

	1991 To Date			1990 To Date		
	Accidents	Killed	Injured	Accidents	Killed	Injured
Accidents						
Main-Track Train Derailments	78	0	4	74	0	8
Main-Track Train Collisions	5	0	67	5	0	50
Crossing Accidents (Public/Private/Farm)	268	47	186	261	29	141
Derailments/Collisions In Yards/Spurs/Sidings	200	0	9	172	0	12
Derail./Coll. Attributable to Private Industry	22	0	1	30	0	0
Derailments/Collisions Involving TMC/MWE *	15	0	22	12	0	18
Trespassers Struck By Rolling Stock	71	39	39	68	37	34
Employees/Others Struck By Rolling Stock	5	1	4	8	3	4
Total	664	87	332	630	69	267
Incidents						
Dangerous Goods Incidents (e.g., leakers)	466	0	7	300	0	8
All Other Incidents **	139	1	9	60	0	13
Total	605	1	16	360	0	21
Safety Performance Rates						
Accidents Per Million Train-Miles ***	12.0			12.3		

Percentage change in train-miles over previous year: 7.8

* TMC: Track motor car MWE: Maintenance-of-way equipment

** Excludes miscellaneous incident casualties and fires on right-of-way.

*** Train-miles estimated.

TABLE 1:

ALL ACCIDENTS/INCIDENTS (As of 15 November 1991)

	1991 TO DATE			1990 TO DATE		
	ACC.	KIL.	INJ.	ACC.	KIL.	INJ.
ACCIDENTS						
Main Track Train Derailments	88	0	6	81	0	10
Main Track Train Collisions	7	0	63	5	0	50
Crossing Accidents (Public/Private/Farm)	317	55	208	302	37	163
Derailments/Collisions in Yards/Spurs/Sidings	231	0	10	198	0	18
Derail./Coll. Attributable to Private Industry	29	0	1	35	0	0
Derailments/Collisions Involving TMC/MWE*	17	0	25	14	0	19
Trespassers struck by R.Stock	81	47	43	76	42	37
Employees/Others struck by R.Stock	8	2	6	11	4	6
TOTAL	778	104	362	722	83	303
INCIDENTS						
Dangerous Goods Incidents (eg. leakers)	555	0	7	366	0	8
All Other Incidents**	169	2	9	75	1	14
TOTAL	724	2	16	441	1	22
SAFETY PERFORMANCE RATES						
Accidents per Million Train-Miles***	12.0			12.1		

Percentage change in train-miles over previous year: 8.5

* TMC: Track Motor Car MWE: Maintenance-of-Way Equipment

** Excludes miscellaneous incident casualties and fires on right-of-way

*** Train-Miles estimated



CHAPTER 28 (3rd Supp.)

An Act respecting national transportation

[1987, c. 34, assented to
28th August, 1987]

SHORT TITLE

1. This Act may be cited as the *National Transportation Act, 1987*.

APPLICATION

2. (1) This Act is binding on Her Majesty in right of Canada or a province.

(2) Unless the contrary intention appears, this Act applies only in respect of the following modes of transportation:

- (a) transport by railways to which the *Railway Act* applies;
- (b) transport by air to which Part II applies;
- (c) transport by water to which the legislative authority of Parliament extends;
- (d) transport by a commodity pipeline as defined in Part VI; and
- (e) transport for hire or reward by an extra-provincial bus undertaking or an extra-provincial truck undertaking to which Part IV applies.

NATIONAL TRANSPORTATION POLICY

3. (1) It is hereby declared that a safe, economic, efficient and adequate network of viable and effective transportation services making the best use of all available modes of transportation at the lowest total cost is essential to serve the transportation needs of shippers and travellers and to maintain the economic well-being and growth of Canada and its regions and that those objectives are most likely to be achieved when all carriers are able to

CHAPITRE 28 (3^e suppl.)

Loi nationale concernant les transports

[1987, ch. 34, sanctionné le
28 août 1987]

TITRE ABRÉGÉ

1. *Loi de 1987 sur les transports nationaux.* Titre abrégé

APPLICATION

2. (1) La présente loi lie Sa Majesté du chef du Canada ou d'une province. Obligation de Sa Majesté

(2) La présente loi s'applique, sauf intention contraire, aux modes de transport suivants : Champ d'application

- a) le transport ferroviaire visé par la *Loi sur les chemins de fer*;
- b) le transport aérien visé par la partie II;
- c) le transport par eau qui relève de la compétence législative du Parlement;
- d) le transport par productoduc au sens de la partie VI;
- e) le transport à titre onéreux effectué par une entreprise extra-provinciale de transport par autocar ou une entreprise de camionnage extra-provinciale visée par la partie IV.

POLITIQUE NATIONALE DES TRANSPORTS

3. (1) Il est déclaré que, d'une part, la mise en place d'un réseau sûr, rentable et bien adapté de services de transport viables et efficaces, utilisant au mieux et aux moindres frais globaux tous les modes de transport existants, est essentielle à la satisfaction des besoins des expéditeurs et des voyageurs en matière de transports comme à la prospérité et à la croissance économique du Canada et de ses régions, d'autre part, ces objectifs ont le plus de chances



CHAPTER 32 (4th Supp.)

CHAPITRE 32 (4^e suppl.)

An Act to ensure the safe operation of railways and to amend certain other Acts in consequence thereof

Loi visant à assurer la sécurité de l'exploitation des chemins de fer et modifiant certaines lois en conséquence

[1988, c. 40, assented to
28th July, 1988]

[1988, ch. 40, sanctionné le
28 juillet 1988]

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Railway Safety Act*.

1. *Loi sur la sécurité ferroviaire.*

Titre abrégé

APPLICATION OF ACT

APPLICATION

Binding on Her Majesty

2. (1) This Act is binding on Her Majesty in right of Canada or a province.

2. (1) La présente loi lie Sa Majesté du chef du Canada ou d'une province.

Obligation de Sa Majesté

Application generally

(2) This Act applies in respect of transport by railways to which the *Railway Act* applies.

(2) La présente loi s'applique au transport ferroviaire visé par la *Loi sur les chemins de fer*.

Champ d'application

DECLARATION

DÉCLARATION

Declaration

3. It is hereby declared that this Act is enacted for the attainment of such of the objectives of the national transportation policy, as set out in subsection 3(1) of the *National Transportation Act, 1987*, as relate to the safety of railway operations and as fall within the purview of subject-matters under the legislative authority of Parliament.

3. Il est déclaré que la présente loi vise à la réalisation des objectifs mentionnés au paragraphe 3(1) de la *Loi de 1987 sur les transports nationaux* et touchant à des questions de sécurité ferroviaire relevant de la compétence législative du Parlement.

Déclaration

INTERPRETATION

DÉFINITIONS

Definitions

“Agency” «Office»

4. (1) In this Act, “Agency” means the National Transportation Agency established by section 6 of the *National Transportation Act, 1987*;

“alter” «modification»

“alter” includes reconstruct but does not include maintain;

“crossing work” «ouvrage de franchissement»

“crossing work” means a road crossing or a utility crossing;

4. (1) Les définitions qui suivent s'appliquent à la présente loi.

«cour supérieure» Selon le cas :

a) la section de première instance de la Cour suprême de l'Ontario, de la Nouvelle-Écosse, de l'Île-du-Prince-Édouard ou de Terre-Neuve;

b) la Cour suprême de la Colombie-Britannique;

Définitions

«cour supérieure»
«superior court»

"engineering standards"
«normes techniques»

"line work"
«ligne de chemin de fer»

"Minister"
«ministres»
"person"
«personne»

"prescribed"
«Version anglaise seulement»
"proposing party"
«promoteurs»

"railway equipment"
«matériel ferroviaire» ou «train»

"railway work"
«installations ferroviaires»

"relevant association or organization"
«organisation intéressée»

"engineering standards" means engineering standards established pursuant to section 7;

"line work" means

(a) a line of railway, including any structure supporting or protecting that line of railway or providing for drainage thereof,
(b) a system of switches, signals or other like devices that facilitates railway operations, or

(c) any other structure built across, beside, under or over a line of railway, that facilitates railway operations,

but does not include a crossing work;

"Minister" means the Minister of Transport;

"person" includes a municipality and a public authority having legal jurisdiction to open and maintain highways in the area under its jurisdiction;

"prescribed" means prescribed by regulations;

"proposing party", in relation to a proposed railway work, whether involving the construction of a new railway work or the alteration of an existing railway work, means the person proposing, whether voluntarily or by virtue of a requirement imposed by or under another Act, to undertake that construction or alteration or to cause that construction or alteration to be undertaken;

"railway equipment" means

(a) a machine that is constructed for movement exclusively on lines of railway, whether or not the machine is capable of independent motion, or

(b) a vehicle that is constructed for movement both on and off lines of railway while the adaptations of that vehicle for movement on lines of railway are in use;

"railway work" means a line work or any part thereof, a crossing work or any part thereof, or any combination of the foregoing;

"relevant association or organization", in relation to a railway company, means an association or organization that has been formed to represent the interests of

(a) persons employed by that railway company, or

c) la Cour du Banc de la Reine du Nouveau-Brunswick, du Manitoba, de la Saskatchewan ou de l'Alberta;

d) la Cour supérieure du Québec;

e) la Cour suprême du Yukon ou des Territoires du Nord-Ouest.

«desserte» Ligne servant au transport de produits ou d'énergie ou à la fourniture de services, notamment par fil, câble ou canalisation.

«desserte»
"utility line"

«franchissement par desserte» Franchissement par une desserte d'une voie ferrée par passage supérieur ou inférieur, ainsi que tous les éléments structuraux facilitant le franchissement ou nécessaires à la partie visée de cette desserte.

«franchissement par desserte»
"utility crossing"

«franchissement routier» Franchissement par une route d'une voie ferrée par passage supérieur, inférieur ou à niveau, ainsi que tous les éléments structuraux facilitant le franchissement ou nécessaires à la partie visée de cette route.

«franchissement routier»
"road crossing"

«installations ferroviaires» Lignes de chemin de fer et ouvrages de franchissement — ensemble ou séparément — ou partie de ceux-ci.

«installations ferroviaires»
"railway work"

«ligne de chemin de fer» Sont compris dans une ligne de chemin de fer, à l'exclusion toutefois des ouvrages de franchissement, la signalisation, le système d'aiguillage et les dispositifs, ainsi que les ouvrages situés aux abords de la ligne, qui en facilitent l'exploitation, notamment pour le drainage.

«ligne de chemin de fer»
"line work"

«matériel ferroviaire» ou «train» Toute machine conçue exclusivement pour le déplacement, autonome ou non, sur les voies ferrées. Y est assimilé tout autre véhicule pouvant circuler sur ces voies et ailleurs et dont le dispositif permettant le déplacement sur rail est en service.

«matériel ferroviaire» ou «train»
"railway equipment"

«ministre» Le ministre des Transports.

«ministre»
"Minister"

«modification» Y est assimilée la reconstruction, à l'exclusion de l'entretien.

«modification»
"alter"

«normes techniques» Normes établies au titre de l'article 7.

«normes techniques»
"engineering standards"

«Office» L'Office national des transports constitué par l'article 6 de la Loi de 1987 sur les transports nationaux.

«Office»
"Agency"

«organisation intéressée» Association ou organisation formée pour représenter le personnel

«organisation intéressée»
"relevant association or organization"

(b) persons owning or leasing railway equipment that is used on lines of railway operated by that railway company

and that is declared by order of the Minister to be a relevant association or organization in relation to that railway company;

“road”
«route»

“road” means any way or course, whether public or not, available for vehicular or pedestrian use;

“road crossing”
«franchissement
routiers»

“road crossing” means that part of a road that passes across, over or under a line of railway, and includes any structure supporting or protecting that part of that road or facilitating the crossing;

“superior court”
«cour supérieure»

“superior court” means

(a) in the Provinces of Ontario, Nova Scotia, Prince Edward Island and Newfoundland, the trial division or branch of the Supreme Court of the Province,

(b) in the Province of British Columbia, the Supreme Court of the Province,

(c) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen’s Bench for the Province,

(d) in the Province of Quebec, the Superior Court of the Province, and

(e) in the Yukon Territory and the Northwest Territories, the Supreme Court thereof;

“utility crossing”
«franchissement
par dessertes»

“utility crossing” means that part of a utility line that passes over or under a line of railway, and includes any structure supporting or protecting that part of that utility line or facilitating the crossing;

“utility line”
«desserte»

“utility line” means any wire, cable, pipeline or other like means of enabling the transmission of goods or energy or the provision of services.

Other words and expressions

(2) Unless otherwise provided, words and expressions used in this Act have the same meaning as in the *Railway Act*.

References to proposed railway works

(3) A reference in this Act to a proposed railway work shall be construed, in a case where a person proposes to alter an existing railway work, as meaning the railway work as proposed to be so altered.

Safe railway operations, etc

(4) In determining, for the purposes of this Act, whether railway operations are safe railway operations, or whether an act or thing constitutes a threat to safe railway operations

d’une compagnie de chemin de fer ou les propriétaires ou locataires de matériel ferroviaire utilisé sur les voies ferrées exploitées par une telle compagnie, et classée par arrêté du ministre comme organisation intéressée par rapport à la compagnie.

«ouvrage de franchissement» Franchissement routier ou par desserte.

«ouvrage de franchissement»
“crossing work”

«personne» Y sont assimilées les municipalités ainsi que toute administration publique ayant légalement le droit d’ouvrir et d’entretenir des routes.

«personne»
“person”

«promoteur» Personne qui se propose d’entreprendre ou d’ordonner la construction ou la modification d’installations ferroviaires, de son propre gré ou en raison des obligations découlant d’une autre loi.

«promoteur»
“proposing party”

«route» Voie terrestre — publique ou non — pour véhicules ou piétons.

«route»
“road”

(2) Sauf disposition contraire, les termes de la présente loi s’entendent au sens de la *Loi sur les chemins de fer*.

Terminologie

(3) Dans les cas où une personne se propose de modifier des installations ferroviaires, la mention dans la présente loi d’installations ferroviaires projetées s’entend des installations modifiées conformément au projet.

Installations ferroviaires projetées

(4) Pour l’application de la présente loi, il doit être tenu compte, dans toute décision concernant la sécurité ferroviaire, l’amélioration de cette sécurité ou l’existence d’une menace à

Sécurité ferroviaire



or enhances the safety of railway operations, regard shall be had not only to the safety of persons and property transported by railways but also to the safety of other persons and other property.

Manner of
filing or
sending notices
and documents

(5) For the purposes of this Act, a notice or document must be filed with, or sent to, a person

- (a) in the case of an individual,
 - (i) by personal service, or
 - (ii) by mailing it by registered mail to the person's latest known address;
- (b) in the case of a body other than an individual, by mailing it by registered mail to the head office or any prescribed office of that body; or
- (c) in either case, by any other means approved in writing by the Minister and subject to any conditions fixed by the Minister.

RELATIONSHIP TO NAVIGABLE WATERS PROTECTION ACT

Compliance
with *Navigable
Waters
Protection Act*

5. Where a person proposes to construct or alter a railway work in, on, over, under, through or across any navigable water within the meaning of the *Navigable Waters Protection Act*, the requirements imposed by or under this Act apply in addition to, and not in substitution for, the requirements imposed by or under the *Navigable Waters Protection Act*.

COORDINATION AGREEMENTS

Coordination
agreements
between
Department of
Transport and
Agency

6. The Minister may enter into agreements with the Agency

- (a) providing for the coordination of the activities of the Department of Transport and the Agency relating to the construction, alteration, operation or maintenance of railway works and railway equipment, and
- (b) providing for procedures to be followed by the Department and the Agency in the event that conflicting interests arise between them during their activities with respect to such matters,

and the Minister may, in consultation with the Agency, take such action as is necessary to ensure that the terms of any such agreement are disclosed to any railway company or other person likely to be affected by the agreement.

celle-ci, non seulement de la sécurité des voyageurs et des marchandises transportées par chemin de fer mais aussi de celle de toute autre personne et de tout autre bien.

(5) Pour l'application de la présente loi, toute notification ou toute communication de documents se fait, dans le cas d'une personne physique, par remise au destinataire ou par courrier recommandé à sa dernière adresse connue et, dans le cas d'une personne morale ou d'un organisme, par courrier recommandé à son siège ou à son bureau désigné par règlement. Elle peut aussi être faite par tout autre moyen approuvé, par écrit, par le ministre et aux conditions fixées par celui-ci.

Notification et
communication
de documents

CADRE LÉGISLATIF

5. Lorsque les eaux navigables, au sens de la *Loi sur la protection des eaux navigables*, entrent en ligne de compte dans la construction ou la modification d'installations ferroviaires, il ne peut être porté atteinte aux obligations découlant de cette loi par celles imposées sous le régime de la présente loi.

Conformité
avec la *Loi sur
la protection
des eaux
navigables*

ACCORDS

6. Le ministre peut conclure avec l'Office un accord prévoyant la coordination de l'action du ministère des Transports et de l'Office en matière de construction, de modification, d'exploitation et d'entretien d'installations et de matériel ferroviaires et fixant les modalités de règlement des situations de conflit pouvant en découler. Il peut en outre, après consultation auprès de l'Office, prendre les mesures nécessaires pour porter l'accord à la connaissance des compagnies de chemin de fer ou de toute autre personne concernée.

Accords

38 ELIZABETH II

CHAPTER 3

An Act to establish the Canadian Transportation Accident Investigation and Safety Board and to amend certain Acts in consequence thereof

[Assented to 29th June, 1989]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

1. This Act may be cited as the *Canadian Transportation Accident Investigation and Safety Board Act*.

INTERPRETATION

2. In this Act,

“aircraft” means any machine capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth's surface of air expelled from the machine, and includes a rocket;

“aviation occurrence” means

- (a) any accident or incident associated with the operation of an aircraft, and
- (b) any situation or condition that the Board has reasonable grounds to believe could, if left unattended, induce an accident or incident described in paragraph (a);

“Board” means the Canadian Transportation Accident Investigation and Safety Board established by section 4;

38 ELIZABETH II

CHAPITRE 3

Loi constituant le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports et modifiant certaines lois en conséquence

[Sanctionnée le 29 juin 1989]

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

TITRE ABRÉGÉ

1. *Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports*.

DÉFINITIONS

2. Les définitions qui suivent s'appliquent à la présente loi.

«accident aéronautique» Tout accident ou incident lié à l'utilisation d'un aéronef. Y est assimilée toute situation dont le Bureau a des motifs raisonnables de croire qu'elle pourrait, à défaut de mesure corrective, provoquer un tel accident ou incident.

«accident de productoduc» Tout accident ou incident lié à l'utilisation d'un productoduc. Y est assimilée toute situation dont le Bureau a des motifs raisonnables de croire qu'elle pourrait, à défaut de mesure corrective, provoquer un tel accident ou incident.

«accident de transport» Accident aéronautique, ferroviaire, maritime ou de productoduc.

«accident ferroviaire» Tout accident ou incident lié à l'utilisation de matériel roulant

Titre abrégé

Définitions

«accident
aéronautique»
“aviation
occurrence”

«accident de
productoduc»
“commodity
pipeline
occurrence”

«accident de
transport»
“transportation
occurrence”

«accident
ferroviaire»
“railway
occurrence”

where the distribution is merely incidental to the general merchandising of goods, and in this subsection, "transportation" means air, marine, rail or commodity pipeline transportation.

l'autre de ces types de transport, sauf si la distribution n'a qu'un caractère secondaire par rapport à l'ensemble des activités de commercialisation des marchandises.

Disposal of
conflict of
interest

(2) Where any interest referred to in subsection (1) vests in a member for the benefit of the member by gift, will, succession or otherwise, the interest shall, within three months after the vesting, be absolutely disposed of by that member.

(2) Le membre qui reçoit les intérêts visés au paragraphe (1), notamment par donation ou par l'ouverture d'une succession, doit les céder entièrement dans les trois mois qui suivent.

Cession des
intérêts

Conflict of
interest
prohibited

(3) During the term of office of a member, in addition to the prohibitions described in subsection (1), the member shall not

(3) Les membres ne peuvent non plus accepter ni occuper de charges ou fonctions ni se livrer à une activité incompatibles avec l'exercice des attributions que leur confère la présente loi.

Conflits
d'intérêts

(a) accept or hold any office or employment, or

(b) carry on any activity

inconsistent with the performance of the member's duties under this Act.

Object of the
Board

7. (1) The object of the Board is to advance transportation safety

(a) by conducting independent investigations and, if necessary, public inquiries into transportation occurrences in order to make findings as to their causes and contributing factors;

(b) by reporting publicly on its investigations and public inquiries and on the findings in relation thereto;

(c) by identifying safety deficiencies as evidenced by transportation occurrences;

(d) by making recommendations designed to eliminate or reduce any such safety deficiencies; and

(e) by initiating and conducting special studies and special investigations on matters pertaining to safety in transportation.

7. (1) Le Bureau a pour mission de promouvoir la sécurité des transports :

a) en procédant à des enquêtes indépendantes et, au besoin, publiques sur les accidents de transport, afin d'en dégager les causes et les facteurs;

b) en publiant des rapports rendant compte de ses enquêtes, publiques ou non, et présentant les conclusions qu'il en tire;

c) en constatant les manquements à la sécurité mis en évidence par de tels accidents;

d) en faisant des recommandations sur les moyens d'éliminer ou de réduire ces manquements;

e) en prenant l'initiative de mener des études et enquêtes spéciales en matière de sécurité des transports.

Mission du
Bureau

Restriction

(2) In making its findings as to the causes and contributing factors of a transportation occurrence, it is not the function of the Board to assign fault or determine civil or criminal liability, but the Board shall not refrain from fully reporting on the causes and contributing factors merely because fault or liability might be inferred from the Board's findings.

(2) Dans ses conclusions, le Bureau n'est pas habilité à attribuer ni à déterminer les responsabilités civiles ou pénales; ses conclusions doivent toutefois être complètes, quelles que soient les inférences qu'on puisse en tirer à cet égard.

Restriction

The Municipality of
Metropolitan Toronto



Metropolitan Clerk's Department

390 Bay Street, 5th Floor
Toronto, Ontario, Canada M5H 3Y7
Telex: 06-23472 Fax: (416) 392-2980
Telephone: (416) 392-8010

Daniel Crombie, *Metropolitan Toronto Clerk*

Novina Wong, *Deputy Metropolitan Clerk*

Certified to be a true copy of a Notice of Motion which was adopted, without amendment, by the Council of The Municipality of Metropolitan Toronto at its meeting held on October 9 and 10, 1991.

"WHEREAS Transport Canada in 1988 agreed to reduce dangerous goods rail speeds in the downtown core of Metropolitan Toronto to help minimize the consequences of the dangerous goods rail accident, and whereas this reduction in speed applicable to the North Toronto Subdivision has proven beneficial in the reduction of rail accidents in this specific area; and

WHEREAS the railways have demanded removal of the speed restraint and Transport Canada has ordered a new train speed study; and

WHEREAS the Minister of State for Transport has confirmed that the railways have a direct involvement in the preparation and analysis of the rail report; and

WHEREAS it has become apparent that this railway involvement, without the involvement of Metropolitan Toronto, may create a bias in the speed study report, detrimental to the Municipality of Metropolitan Toronto;

NOW THEREFORE BE IT RESOLVED THAT Metropolitan Toronto request the Minister of State for Transport to allow a competent Metropolitan Toronto authority to review the draft material of the speed study before it is put into final form in order that the views and concerns of Metropolitan Toronto be incorporated into the study;

AND BE IT FURTHER RESOLVED THAT the Minister of State for Transport be informed that Metropolitan Toronto is opposed to the removal of the speed restraint and that it will do everything in its power to ensure that the people of Metropolitan Toronto are protected from the possibility of a dangerous goods rail disaster."

Toronto, Ontario.
November 25, 1991.


Metropolitan Clerk.



City of Toronto

Department of the City Clerk
City Hall
Toronto, Ontario
Canada M5H 2N2

Telephone: (416) 392-7020
Fax: (416) 392-6990
TDD: (416) 392-7354

Barbara G. Caplan
City Clerk
Sydney K. Baxter
Deputy City Clerk

Reference: 91cnclop12-Mb:60

October 28, 1991

The Honourable Jean Corbeil
Minister of Transport
Place de Ville
Tower "C", 25th Floor
330 Sparks Street
Ottawa, Ontario
K1A 0N5

Dear Mr. Minister:

City Council, at its Special Meeting on October 11 and 15, 1991, adopted the following motion of Councillor Walker:

"Whereas the Federal Government in 1988, having determined there is need in Toronto for lower rail speeds on dangerous goods transport, ordered a reduction in such speeds on the North Toronto subdivision, and

Whereas such reduction in speed has proven beneficial to many thousands of Toronto people living and working near the dangerous goods track, and

Whereas the railways have called for elimination of this speed restraint, and

Whereas Transport Canada agreed to have a consultant review the relationship between speed and dangerous goods accidents, and

Whereas there is evidence that the Federal Government's speed study has become unbalanced by allowing the railways to become intimately involved in the study itself, and

Whereas the City of Toronto has been left out of the speed study and has not been allowed to provide its input, and

Whereas removal of the speed restraint would increase the risks of dangerous goods accidents and their consequences, and

Whereas rail accidents across the country have increased dramatically in recent months especially trains carrying dangerous goods;

Therefore be it resolved that:

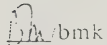
1. The City of Toronto request that its authorities be allowed to become involved in the train speed study to the same extent as the railways have been allowed, and
2. Transport Canada be advised that the City of Toronto must have its views included in the speed study before it becomes finalized, and
3. Transport Canada be advised that the City of Toronto will do everything it can to ensure that the speed restraint which has been beneficial to the City of Toronto be retained."

May I draw your attention, Mr. Minister, to City Council's three requests contained in the foregoing motion.

For your information, a copy of this letter has also been sent to the Honourable Shirley Martin, Minister of State for Transport.

Yours truly,


City Clerk


RM

Attachment

cc: Councillor Walker

Commissioner of Public Works and the Environment

Mr. Harry Behrend, P. Eng., M.T.R.A.C.
181 Univeristy Avenue, Suite 1202
Toronto, Ontario
M5H 3M7



Certified to be a true copy of a
communication from the City Clerk
to the Minister of Transport dated
October 28, 1991



Deputy City Clerk



Submission by

the Council of the Municipality of Metropolitan Toronto

C.D. Flynn, Chairman

The Municipality of
Metropolitan Toronto

Office of the Chairman

City Hall, 2nd Floor,
Toronto, Ontario, Canada M5H 2N1
Telephone: (416) 392-8001 Telex: 06-23472

C. Dennis Flynn
Metropolitan Chairman



Remarks by

Metropolitan Chairman C. D. Flynn
to the Toronto Area Rail Transportation
of Dangerous Goods Task Force

Thursday, February 4, 1988

**"RELOCATION OF DANGEROUS GOODS RAIL TRAFFIC FROM
WITHIN METROPOLITAN TORONTO TO A NEW RAIL CORRIDOR"**

Mr. Chairman and Members of the Task Force:

Thank you for the opportunity of being able to appear before this Task Force today to provide you with a Metropolitan Toronto perspective about the concerns related to the transportation of dangerous goods and commodities, and residue cars, by rail through a densely populated area such as Metropolitan Toronto.

I think it is fair to say that the Mississauga train derailment (November 10, 1979) raised the consciousness of municipalities and the public alike in the greater Toronto area about the potential consequences of a rail disaster where dangerous goods and commodities are involved. The focus of Metropolitan Toronto's concern is based on the consequences or severity of this derailment had it occurred some 20 to 30 minutes later....placing the incident within the so-called mid-town area of

Metropolitan Toronto, a very densely populated area. It is not only the Mississauga accident that is of issue, but there have been other rail incidents in and near Metropolitan Toronto's borders since 1979. An accident regardless of whether it was caused by human factors or attributable to technological or natural elements (e.g. such which occurred just last week south of the Buffalo, New York area) would be devastating within Metropolitan Toronto.

I recognize that dangerous goods and commodities must be transported into Metropolitan Toronto because industries require these products. However, studies indicate that 80 per cent of all dangerous goods and commodities rail traffic transported into the Metropolitan Toronto area are destined to other locations in the country. This in itself should be justification for relocating traffic away from densely populated areas such as Metropolitan Toronto.

The Task Force Consultants' studies revealed that the risk level on the central segment of the CP North Toronto rail corridor is ten times higher than all the remaining segments contained within the rail corridor system in the greater Toronto area. The features of the CP North Toronto rail corridor:

- the rail corridor being on an embankment
- the high density residential development and other incompatible land uses located directly adjacent and within close proximity of the traffic corridor

- the proximity of vulnerable institutions (schools, senior citizen homes, etc.)
- major public utilities that abut the rail line
- the Yonge and Spadina subway lines that traverse under this rail corridor, and the close proximity of the Bloor-Danforth subway line, all of which carry hundreds of thousands of passengers daily
- few north-south roads penetrate through this rail corridor

are such that it would be difficult for emergency personnel and equipment to effectively access the site in the event of a rail accident and to evacuate people in a timely manner. The grim reality of a rail accident involving dangerous goods and commodities within Metropolitan Toronto is that there would be significant loss of life, and even higher amount of injuries, and the cost of damage to property would exceed many, many times the most optimistic estimates of a Mississauga type incident.

In Metropolitan Toronto Council's view, and this view is shared by the Councils of the Cities of Etobicoke, York, North York, Toronto and Scarborough, and the Borough of East York, significant reductions in societal risk can be achieved through the relocation of dangerous goods and commodities rail traffic presently passing through Metropolitan Toronto. Your Consultants have determined that the shift of risk associated with relocating this type of rail traffic from the central segment of the CP North Toronto rail line to a new rail corridor

outside of Metropolitan Toronto would be in the order of 97 per cent.

Your Consultants have amassed considerable information in their examination of alternative routes for transporting these dangerous goods and commodities, and the Task Force should be commended on this work.

From a Metropolitan Toronto perspective, the Northern Route known as the C-3 alternative appears to provide the most cost-effective benefits. Besides being a medium priced option, this new rail corridor reduces the level of risk to the public, provides the opportunity to protect the rail corridor from future intrusion by development of any type, can be designed to provide easy access for emergency response forces in the event of a rail accident, and will accommodate future rail capacity needs as well as provide more efficient operations for the railways. The cost of retrofitting the CP North Toronto rail corridor to obtain additional rail capacity would be proportionally greater than providing the same capacity in a new location, such as the C-3 Northern Route alternative. However, the level of risk to the public would not be reduced. Diverting this type of rail traffic to the Parkway Belt Route options is not an acceptable solution since the risk would merely be shifted to other municipalities outside of and still in close proximity to Metropolitan Toronto.

The need for a new and protected rail corridor outside of Metropolitan Toronto to accommodate the transportation of dangerous goods and commodities has been discussed since 1982, when the Burton-Post Report made this

recommendation, and the Council of Metropolitan Toronto feels that it is still the most viable alternative to present rail operations. The derailment that occurred in the vicinity of Don Mills Road and Eglinton Avenue on July 14, 1987 points out the potential risk on the CP North Toronto rail corridor and the necessity for prompt action on the issue before you.

In the interim, it is imperative that operational and safety improvements need to be implemented on present rail lines to minimize the level of risk to the public. In particular, the speed of trains carrying dangerous goods and commodities or residue cars should be limited to 40 km/h within Metropolitan Toronto. Members of Metropolitan Council find it very difficult to accept the Task Force Consultant's findings that trains are actually less prone to having accident at higher speed. Information previously submitted to this Task Force covering derailment accidents indicated that the speed of a train at the time of a derailment can be a contributing factor to the severity of the accident. Lower speed limits must be legislated and enforced as a safety measure until relocation of dangerous goods and commodities rail traffic has taken place.

In conclusion, I wish to advise you that Metropolitan Toronto's position has and still is one that supports any strategy which will reduce the risk and improve the safety for its citizens. In this regard, the key points of the Metropolitan Toronto submission are that:

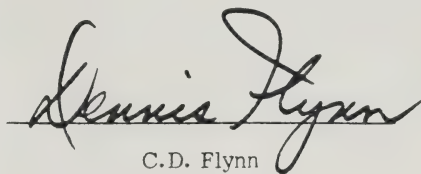
- . Dangerous goods and commodities, or residue container, rail traffic on the CP North Toronto rail line should be relocated to a new rail

corridor outside of Metropolitan Toronto. The C-3 by-pass route appears to be the best alternative in terms of safety and cost effectiveness;

- . The land requirements for the new (and preferred) C-3 rail corridor outside of Metropolitan Toronto should be protected;
- . Trains transporting dangerous goods and commodities, or residue cars, within Metropolitan Toronto be limited to 40 km/h by federal legislation;
- . Further operational, monitoring and regulatory improvements be examined and implemented for train traffic involving dangerous goods and commodities, or residue cars, to minimize the level of risk to the public.

The complete text of the official joint submission by the Councils of Metropolitan Toronto, Cities of Etobicoke, York, North York, Toronto and Scarborough, and Borough of East York is appended for your consideration.

Thank you for the opportunity of appearing before this Task Force and I trust that you will remember and consider my comments along with Metropolitan Toronto's official position on this matter when deciding on a recommendation to be forwarded to the Federal Minister of Transport later this year.

A handwritten signature in dark ink, reading "C.D. Flynn", written over a horizontal line. The signature is fluid and cursive.

Metropolitan Chairman

NOTES FOR REMARKS

BY

HON. MICHAEL WILSON, P.C., M.P.

ETOBICOKE CENTRE

TO

THE INSTITUTE OF RISK RESEARCH

UNIVERSITY OF WATERLOO

WATERLOO, ONTARIO

THE TRANSPORTATION OF DANGEROUS GOODS:

LET'S GET CANADA MOVING AGAIN

APRIL 30, 1984

CHECK AGAINST DELIVERY

I AM PLEASED TO BE SPEAKING TODAY AT THE UNIVERSITY OF WATERLOO ON BEHALF OF THE PROGRESSIVE CONSERVATIVE PARTY. DON MAZANKOWSKI, OUR TRANSPORT CRITIC, WAS TO HAVE BEEN YOUR SPEAKER, BUT HE UNFORTUNATELY HAD TO CANCEL DUE TO A CONFLICT IN HIS SCHEDULE.

HE AND I HAVE DISCUSSED AT LENGTH THE PROBLEMS INVOLVED IN THE TRANSPORTATION OF HAZARDOUS GOODS. WHAT YOU WILL HEAR TODAY REFLECTS THESE DISCUSSIONS AND THE POSITION OF OUR PARTY.

I AM ALSO PLEASED TO HAVE THIS OPPORTUNITY BECAUSE OF MY PERSONAL INTEREST IN AND CONTACT WITH THE ISSUE. IN NOVEMBER 1979, IN THE WEST END OF TORONTO WHERE I LIVE, THERE WAS SUDDENLY A BRIGHT LIGHT IN THE SKY. THE WINDOWS RATTLED, AND THE CHINA SHOOK ON THE SHELVES. THIS WAS OF COURSE THE MISSISSAUGA TRAIN DERAILMENT, THE INCIDENT THAT BROUGHT THE ISSUE OF THE TRANSPORTATION OF HAZARDOUS GOODS INTO THE PUBLIC EYE IN A RATHER BIG WAY.

MY TORONTO HOME AND MY RIDING OF ETOBICOKE CENTRE ARE LESS THAN 10 MINUTES AWAY FROM THE LOCATION OF THE MISSISSAUGA

DERAILMENT. I AM SURE YOU CAN APPRECIATE THE INTENSITY OF LOCAL INTEREST AND CONCERN; SOME HOUSES ARE SEVENTY FEET AWAY FROM THE TRACK. THERE IS A HEAVY POPULATION CONCENTRATION NEAR THE RAIL CORRIDOR - INCLUDING THE RIDING'S LARGEST CONCENTRATION OF APARTMENT BUILDINGS, FIVE SCHOOLS, AND DOZENS OF SINGLE FAMILY DWELLINGS.

HOWEVER, IN MY POSITION AS THE PROGRESSIVE CONSERVATIVE INDUSTRY CRITIC, I AM ALSO SENSITIVE TO THE COST ASPECTS OF REGULATING THE TRANSPORT OF DANGEROUS GOODS. THERE IS A CRUCIAL NEED TO IMPROVE CANADA'S INTERNATIONAL COMPETITIVE POSITION, AND TRANSPORT COSTS REPRESENT AN IMPORTANT PART OF THE OVERALL COST STRUCTURE. WE MUST ALSO CONSIDER THE POSITION OF SURFACE TRANSPORTATION AS THE MAIN PROVIDER OF TRANSPORT IN CANADA.

THEREFORE, IT IS IMPORTANT FOR ME AS BOTH A REPRESENTATIVE OF MY CONSTITUENTS AND A SPOKESMAN FOR THE INTERESTS OF INDUSTRY, TRADE AND COMMERCE TO HAVE A BALANCED PERSPECTIVE OF THE SAFETY ISSUE.

I WOULD LIKE TO SET MY REMARKS CONCERNING THE MOVEMENT OF DANGEROUS GOODS, OR HAZARDOUS MATERIALS, WHICHEVER YOU PREFER, IN THE LARGER CONTEXT OF OVERALL TRANSPORTATION SAFETY.

PROMOTING THE SAFE MOVEMENT OF DANGEROUS GOODS SHOULD BE PART OF A BROAD PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF OUR NATIONAL TRANSPORTATION SYSTEM.

SAFETY HAS BEEN, AND WILL ALWAYS BE, IN THE FOREFRONT OF OUR PARTY'S TRANSPORTATION POLICY.

SHORTLY AFTER COMING INTO OFFICE IN 1979, WE ACTED SWIFTLY IN DEALING WITH THE ISSUE OF AVIATION SAFETY WHICH WAS UNDERMINING PUBLIC CONFIDENCE IN THE AIR SYSTEM BY APPOINTING THE DUBIN INQUIRY.

WE ALSO ACTED SWIFTLY IN ESTABLISHING A FULL ENQUIRY INTO THE MISSISSAUGA RAIL DISASTER WHEN IT BECAME OBVIOUS THAT THE NORMAL CTC PROCESS WOULD NOT SATISFY THE NEED FOR AN OBJECTIVE AND THOROUGH INVESTIGATION.

BOTH OF THESE COMMISSIONS WERE SIGNIFICANT IN THAT THEY POINT OUT A BASIC WEAKNESS IN OUR SYSTEM OF INVESTIGATING TRANSPORTATION ACCIDENTS, MONITORING SAFETY AND PRODUCING RECOMMENDATIONS FOR IMPROVEMENT.

IN OUR VIEW, ONE OF THE FIRST INITIATIVES THAT SHOULD BE TAKEN IN THE INTEREST OF DEVELOPING A LONG-TERM IMPROVEMENT IN TRANSPORTATION SAFETY IS THE ESTABLISHMENT IN CANADA OF AN EQUIVALENT TO THE AMERICAN NATIONAL TRANSPORTATION SAFETY BOARD.

THIS WOULD BE AN INDEPENDENT BODY WITH THE RESPONSIBILITY OF OVERSEEING SAFETY IN ALL MODES, GOVERNING THE ENFORCEMENT OF STANDARDS, ACCIDENT INVESTIGATION AND THE DEVELOPMENT OF IMPROVED SAFETY PRACTICES. THIS MUST ALSO ADDRESS THE TRICKY PHENOMENON OF ESTABLISHING THE RESPONSIBILITY OF INTER-MODAL TRANSPORTATION SUCH AS CONTAINER AND PIGGY-BACK TANSPORT.

MY COLLEAGUE, MIKE FORRESTALL, M.P. FROM NOVA SCOTIA, HAS DURING 10 PREVIOUS PARLIAMENTARY SESSIONS INTRODUCED A PRIVATE MEMBERS BILL ADVOCATING SUCH A BOARD. HIS EXPERIENCE, PARTICULARLY REGARDING MARINE SAFETY, LED HIM TO CONCLUDE THAT SUCH A BODY WOULD BE IN THE BEST INTEREST OF THE TRANSPORTATION INDUSTRY IN THIS COUNTRY.

ONE OF THE KEY RECOMMENDATIONS OF THE DUBIN INQUIRY WAS THE ESTABLISHMENT OF AN INDEPENDENT AVIATION SAFETY BOARD, A PROPOSAL WHICH WAS ENDORSED BY ALL CONCERNED. THE NEW CANADIAN AVIATION SAFETY BOARD IS SUPPOSED TO BEGIN OPERATION LATER THIS YEAR. WE BELIEVE THIS CONCEPT SHOULD BE EXPANDED TO COVER THE ENTIRE TRANSPORTATION NETWORK.

TO STRENGTHEN THE EFFECTIVENESS OF SUCH BOARDS IN GENERATING IMPROVEMENTS TO THE SYSTEM, IMPLEMENTATION OF THEIR SPECIFIC RECOMMENDATIONS SHOULD BE ADDRESSED WITHIN A FORMAL MECHANISM.

THIS WOULD MEAN THAT THE MINISTER AND THE SPECIFIC TRANSPORTATION COMPANY OR AGENCY CONCERNED WOULD BE HELD ACCOUNTABLE AT ESTABLISHED TIME INTERVALS FOR THEIR ACTIONS IN FULFILLING THE APPLICABLE RECOMMENDATIONS. SUCH BASIC STRUCTURAL REFORMS WOULD PROVIDE THE FRAMEWORK TOWARD A LONG-TERM IMPROVEMENT IN THE TRANSPORTATION SYSTEM.

WITHIN THIS CONTEXT, THERE WILL REMAIN A NEED FOR FURTHER ACTION TO ADDRESS SPECIFIC AREAS SUCH AS DANGEROUS GOODS MOVEMENT AND TO RESPOND TO SHORT AND MEDIUM-TERM ISSUES.

EVERY YEAR OVER 700 BILLION TON-MILES OF HAZARDOUS MATERIALS ARE SHIPPED ACROSS NORTH AMERICA. ESTIMATES ARE THAT ONE

TRUCK IN TEN AND ONE OUT OF EVERY 23 RAILCARS CARRIES
HAZARDOUS MATERIALS.

IN CANADA, CN ESTIMATES THAT IT TRANSPORTS OVER 105,000
CARLOADS OF DANGEROUS GOODS ANNUALLY AND THAT THEY ARE
SHIPPED ON ROUGHLY 35% OF CN'S TRAINS.

CLEARLY, HAZARDOUS OR DANGEROUS GOODS ARE WITH US IN LARGE
QUANTITIES AND, AS OUR INDUSTRIES AND OUR TECHNOLOGICAL
DEVELOPMENT BECOME INCREASINGLY COMPLEX, I BELIEVE WE WILL
BE CONFRONTED WITH MORE AND MORE OF THESE COMMODITIES.

AS CONSUMERS, WE MUST BEAR IN MIND THAT MANY OF OUR EVERYDAY
PRODUCTS, ITEMS THAT WE CONSIDER SAFE OR HARMLESS, BEGIN AS
DANGEROUS COMMODITIES: MANY HOUSEHOLD CLEANERS, PAPER
PRODUCTS AND PLASTICS ARE MADE WITH HAZARDOUS SUBSTANCES.

DANGEROUS GOODS ARE GOING TO BE SHIPPED. THAT IS A FACT OF
LIFE IN OUR SOCIETY. AND THEY ARE GOING TO BE SHIPPED INTO
AND OUT OF DENSELY POPULATED URBAN AREAS. UNDER SUCH
CONDITIONS, SAFETY MUST BECOME THE NUMBER ONE PRIORITY.

WHILE GIVING SAFETY THIS PRIORITY, ECONOMIC REALITY DICTATES
THE NEED TO STRIKE A BALANCE BETWEEN THE ENORMOUS EFFECTS OF
ANY SAFETY INITIATIVE AND THE NEED TO FACILITATE A SAFE
ENVIRONMENT OR TO CORRECT A SPECIFIC DEFICIENCY.

JUDGING THAT BALANCE, AND ASSESSING THE RISKS AND TRADE-OFFS INVOLVED, IS REALLY WHAT THE INSTITUTE FOR RISK RESEARCH IS ALL ABOUT.

WE LIVE IN A WORLD FULL OF RISKS; EACH WITH ITS COSTS AND BENEFITS WHICH NEED TO BE EVALUATED.

IN ALL TOO MANY INSTANCES WE ARE ONLY NOW BEGINNING TO GAIN A TRUE APPRECIATION OF THE RISKS INVOLVED IN OUR MODERN SOCIETY.

THE DECISIONS ON WHERE TO DRAW THE LINE, WHERE THE TRADE-OFFS SHOULD EXIST, ARE ULTIMATELY, IN OUR SOCIETY, POLITICAL ONES.

WHILE POLITICANS WANT AND NEED THE INPUT OF EXPERTS IN THE FIELD SUCH AS YOURSELVES, IT IS THEY WHO MUST PASS THE LAWS, ADOPT THE REGULATIONS AND ESTABLISH AN ENVIRONMENT IN WHICH THE RISKS ARE DEEMED TOLERABLE.

IN ASSESSING THE RISKS INVOLVED IN THE TRANSPORTATION INDUSTRY TODAY, I BELIEVE THREE KEY PRINCIPLES MUST BE KEPT IN MIND:

- 1) THE MOVEMENT TOWARDS DEREGULATION CANNOT TRANSGRESS THE CODE NECESSARY TO ACHIEVE A SAFE OPERATING ENVIRONMENT;
- 2) TECHNOLOGICAL CHANGE SHOULD BE HARNESSSED TO ENHANCE SAFETY, NOT DIMINISH IT;
- 3) REDRESS OF LONG ESTABLISHED DEFICIENCIES SHOULD BE CARRIED OUT IN AN ORDERLY AND PRACTICAL MANNER EMPLOYING COMMON SENSE RATHER THAN HYSTERIA.

THE BOTTOM LINE MUST BE TO ENSURE THAT SAFETY IS IMPROVED IN EVERY WAY POSSIBLE.

THE MISSISSAUGA RAIL DISASTER IN NOVEMBER 1979, WHICH CAUSED THE EVACUATION OF OVER 200,000 PEOPLE AND MADE HEADLINES AROUND THE WORLD, SERVED IN MANY WAYS AS A CATALYST FOR IMPROVING THE MOVEMENT OF HAZARDOUS MATERIALS.

THIS PROCESS WAS BEGUN BY THE PROGRESSIVE CONSERVATIVE GOVERNMENT WITH THE APPOINTMENT OF THE GRANGE INQUIRY.

UNFORTUNATELY, AS JUSTICE GRANGE HAS OBSERVED, "THE LONGER WE GO FROM MISSISSAUGA, THE LESS URGENT IT WILL BE TO PEOPLE."

I THINK TO SOME EXTENT, THIS HAS OCCURRED.

IN 1980, FOR EXAMPLE, PARLIAMENT EXPEDITIOUSLY PASSED BILL C-18 DEALING WITH THE TRANSPORTATION OF DANGEROUS GOODS.

NOW, FOUR YEARS LATER, MANY OF THE REGULATIONS REQUIRED TO IMPLEMENT THAT ACT ARE STILL NOT FULLY IN PLACE.

WHILE I RECOGNIZE THE COMPLEXITY OF THE REGULATIONS, AND THE VALUABLE PROCESS OF PUBLIC COMMENT THAT HAS TAKEN PLACE, I THINK WE SHOULD RECOGNIZE THAT THERE HAS BEEN TOO MUCH FOOT-DRAGGING.

WHILE THE REGULATIONS HAVE REMAINED IN LIMBO, ACCIDENTS KEEP HAPPENING.

FORTUNATELY, INCIDENTS SUCH AS MISSISSAUGA ARE EXTREMELY RARE BUT, NEVERTHELESS, IN 1982 THERE WERE 170 MAJOR RAIL ACCIDENTS INVOLVING HAZARDOUS MATERIALS AND 159 IN 1983. A FURTHER 414 MINOR INCIDENTS TOOK PLACE OVER THOSE TWO YEARS.

WHILE DETAILED STATISTICS ON HIGHWAY ACCIDENTS INVOLVING DANGEROUS GOODS ARE NOT AVAILABLE, USING THE ONE IN TEN FIGURE NOTED EARLIER WOULD SUGGEST 500-600 HIGHWAY ACCIDENTS INVOLVING DANGEROUS GOODS PER YEAR IN ONTARIO ALONE.

I THINK, FRANKLY, THE POLITICAL MOMENTUM FOR ACTION HAS DROPPED AND THAT WE NEED TO REKINDLE THAT DESIRE AND FINISH PUTTING IN PLACE AN OPERABLE SYSTEM THAT WILL ENHANCE TRANSPORTATION SAFETY.

I SAY THIS RECOGNIZING THAT THE STUMBLING BLOCKS THAT DELAY ACTION ARE CONSIDERABLE.

IN OUR OWN UNIQUE MANNER, THIS IS A MATTER OF JOINT FEDERAL-PROVINCIAL JURISDICTION. WHILE THE ORIGINAL COMMITMENT WAS TO A UNIVERSIAL PROGRAM IDENTICAL IN ALL REGIONS, NOW THAT WE HAVE REACHED THE NITTY-GRITTY, THAT COMMITMENT IS BEGINNING TO UNRAVEL.

I THINK IT IS ESSENTIAL THAT IT BE MAINTAINED.

CLEARLY, THE FEDERAL GOVERNMENT MUST PROVIDE THE LEADERSHIP TO SECURE THAT AGREEMENT. THE NEED FOR FULL CO-OPERATION WITH THE PROVINCES IS ESSENTIAL ESPECIALLY IN THE SPHERE OF TRUCKING, INTER-MODAL AND INTERNATIONAL TRANSPORTATION.

SECONDLY, A GREAT AMOUNT OF OUR TRAFFIC FLOWS ACROSS THE UNITED STATES BORDER.

OVER THE YEARS RECIPROCITY AGREEMENTS HAVE LET GOODS FLOW BACK AND FORTH WHILE MAINTAINING A MUTUALLY ACCEPTABLE SAFETY STANDARD.

THERE IS GREAT CONCERN THAT OUR NEW SYSTEM MAY LEAD TO THE BREAKDOWN OF THOSE ARRANGEMENTS.

WHILE THIS ALSO APPLIES TO THE RAILWAYS, IT IS OF GREAT CONCERN TO THE TRUCKING INDUSTRY AND IS PART OF THE WIDER ISSUE OF OVERALL DEREGULATION WITHIN THAT SECTOR.

THESE ARE CLEARLY ISSUES THAT REQUIRE POLITICAL WILL AND COMMITMENT TO RESOLVE.

IT IS IN CANADA'S BEST INTERESTS, BOTH FROM AN ECONOMIC AND SAFETY STANDPOINT, TO NEGOTIATE WITH THE AMERICANS TO ENSURE CONTINUED LONG-TERM ACCESS ACROSS THE BORDER.

A THIRD REALITY THAT MUST BE FACED IS THE NEED FOR POLITICANS TO FIRMLY GRASP THE POLICY-MAKING NETTLE. MANY OF THE PROBLEMS THAT HAVE OCCURRED IN THE PAST AROSE BECAUSE OF A POLICY VACUUM.

SUCCESSIVE MINISTERS OF TRANSPORT SIMPLY FAILED TO PROVIDE DIRECTION AND LEADERSHIP.

BY DEFAULT, THE REGULATORY AGENCIES BECAME POLICY-MAKERS, WITH LESS THAN SATISFACTORY RESULTS.

JUSTICE GRANGE CONCLUDED THAT THE CTC HAD BEEN RELUCTANT TO IMPOSE COSTLY SAFETY REQUIREMENTS ON THE RAILWAYS. FIRM FEDERAL LEADERSHIP AND A CLEARLY-STATED POLICY WOULD NOT HAVE GIVEN THE CTC THIS CHOICE TO MAKE.

THE REGULATORY AGENCIES THEMSELVES, I THINK, SHOULD COME UNDER SCRUTINY.

THERE IS A LINE OF REASONING THAT SUGGESTS THAT REGULATORY AGENCIES OVER TIME BECOME CAPTIVE TO THE INDUSTRY THEY ARE SUPPOSED TO REGULATE AND THIS, IN TURN, CAN LEAD TO ISSUES SUCH AS SAFETY BEING GIVEN A LOWER PRIORITY THAN IS WARRANTED IN THE GREATER PUBLIC INTEREST.

THE PRESENT SYSTEM CAN ALSO PRODUCE APPARENT CONFLICTS OF INTEREST IN CASES WHERE THE REGULATORY AGENCY HAS TO EXAMINE ITS OWN RECORD IN MAINTAINING SAFETY STANDARDS.

WHILE I AM HESITANT TO CRITICISE THE CTC, I THINK, UNAVOIDABLY, THERE HAVE BEEN INSTANCES OF THIS NATURE .

IT WAS AS A RESULT OF SUCH CONCERNS THAT THE PRESSURE FOR INDEPENDENT SAFETY BOARDS AROSE AND, IN THE AIR MODE, SUCCEEDED IN PRODUCING ACTION.

HOWEVER, I AM NOT CONVINCED THAT SIMPLY ESTABLISHING NEW BOARDS AND PROMULGATING PAGES AND PAGES OF NEW REGULATIONS WILL SUBSTANTIALLY IMPROVE THE TRANSPORTATION OF DANGEROUS GOODS. I AM CONVINCED THAT WE WILL NOT SUCCEED SIMPLY BY LAYERING A NEW BOARD WITH RESPONSIBILITIES COMPARABLE TO THOSE OF EXISTING BOARDS.

I KNOW THAT MANY IN THE RELATED INDUSTRIES ARE CONCERNED ABOUT THE COMPLEXITY OF THE PROPOSED REGULATIONS AND THE COST OF COMPLIANCE.

REGULATIONS IMPROVE SAFETY ONLY IF THEY ARE FOLLOWED. DEVISING ELABORATE SCHEMES ON PAPER IS FUTILE IF, IN PRACTICE, THEY ARE UNWORKABLE AND ENCOURAGE NON-COMPLIANCE

SAFETY IS AN OPERATIONAL ISSUE AS MUCH AS ANYTHING ELSE AND I THINK WE NEED TO RE-EXAMINE THE PROPOSED REGULATIONS TO ENSURE THAT THEY CAN, AND WILL, BE FOLLOWED BY THE PEOPLE WHO ACTUALLY HANDLE THE COMMODITIES INVOLVED.

THE NUMBER OF MAJOR ACCIDENTS SINCE MISSISSAUGA AND THE FINDINGS OF THE RESPECTIVE INQUIRIES AND HEARINGS HAVE CLEARLY DEMONSTRATED THE NEED FOR IMPROVED TECHNIQUES IN HANDLING HAZARDOUS MATERIAL.

I THINK THE FEDERAL GOVERNMENT, WHICH HAS THE PRIMARY RESPONSIBILITY FOR THE NATIONAL TRANSPORTATION SYSTEM, SHOULD BE PROVIDING THE LEADERSHIP IN RESEARCH COVERING IMPROVED SHIPPING METHODS.

GREATER IMPETUS SHOULD BE GIVEN TO THE DEVELOPMENT OF NEW CONTAINERS AND RAIL CARS, AND NEW HANDLING PROCEDURES AND SAFETY TECHNIQUES.

AS A TORONTO AREA M.P. WHOSE RIDING CONTAINS SOME OF THE MOST HEAVILY USED TRACKAGE IN CANADA, I BELIEVE THERE IS A NEED TO IMPLEMENT, ON A PRIORITY BASIS, INTERIM SAFETY MEASURES UNTIL OUR NEW SYSTEM IS IN PLACE AND OPERATING.

WE SHOULD ACT NOW TO INCREASE THE SAFETY AND SECURITY OF THOSE RESIDING IN HIGH-DENSITY URBAN AREAS THROUGH WHICH LARGE VOLUMES OF DANGEROUS GOODS TRAVEL.

WITH RESPECT TO METRO, I PROPOSE TWO SUCH MEASURES. THE FIRST WOULD BE A REDUCTION IN THE SPEED LIMIT OF DANGEROUS

GOODS TRAINS TO 25 MPH FROM 35 MPH. SECONDLY, I BELIEVE EMPTY HAZARDOUS TANK CARS SHOULD BE TREATED AS FULL, AT LEAST UNTIL NEW DESIGNS ARE DEVELOPED TO VENTILATE THESE CARS ON A TIMELY BASIS. TO DATE, I HAVE SEEN NO CONVINCING EVIDENCE THAT ARGUES AGAINST THESE STEPS.

FURTHER WORK SHOULD ALSO BE DONE TO STUDY THE EFFECT OF MINIMIZING THE SHIPPING OF DANGEROUS COMMODITIES ON ROUTES WITH LOW POPULATION DENSITIES.

PERHAPS YOUR SYMPOSIUM WILL HAVE THE OPPORTUNITY TO EXAMINE THESE MEASURES. IF SO, I WILL BE DELIGHTED TO RECEIVE AND BENEFIT FROM YOUR DISCUSSIONS.

THE NEWLY CREATED INSPECTOR-GENERAL OF SAFETY WITHIN THE DEPARTMENT OF TRANSPORT HAS RECENTLY EXAMINED THE ISSUE. I AM GENERALLY PLEASED WITH SOME OF THE CONCLUSIONS IN HIS REPORT. HOWEVER, HE CONCLUDED THAT WHILE NO CONCRETE EVIDENCE ARGUED AGAINST THE PROPOSAL TO REDUCE THE SPEED OF TRAINS CARRYING HAZARDOUS GOODS IN HIGH POPULATION DENSITY AREAS, AN INSUFFICIENT AMOUNT OF THE EVIDENCE ARGUED IN FAVOUR OF IT AND HE THEREFORE RECOMMENDED NO ACTION BE TAKEN. IT MIGHT HAVE BEEN MORE APPROPRIATE TO GIVE THIS PROPOSAL THE BENEFIT OF THE DOUBT.

WHILE THERE ARE FINANCIAL COSTS INVOLVED IN THE TWO PROPOSALS, I BELIEVE THE REDUCTION IN THE RISK EXPOSURE OF THE GENERAL PUBLIC WARRANTS THEIR ADOPTION ON AN INTERIM BASIS AT LEAST.

TO MOVE FROM THIS PAROCHIAL VIEW BACK TO THE LARGER CONTEXT, I WOULD LIKE TO CONCLUDE BY REITERATING OUR PARTY'S VIEW THAT IMPROVING SAFETY SHOULD BE A MAJOR ELEMENT OF ALL TRANSPORTATION POLICIES.

A SAFE TRANSPORTATION SYSTEM IS AN EFFICIENT ONE THAT MOVES GOODS AND PEOPLE TO THEIR DESTINATION ON TIME AND WITHOUT INCIDENT. SUCH A NETWORK WILL MAKE A POSITIVE CONTRIBUTION TOWARDS CANADA'S ECONOMIC COMPETITIVENESS AND WILL HELP SPUR NEW GROWTH AND DEVELOPMENT. SAFETY AND EFFICIENCY CAN AND MUST WORK TOGETHER.

TRANSPORTATION IS THE VITAL LINK IN OUR ECONOMY AND OUR GOAL IS TO ENCOURAGE THE CONTINUED DEVELOPMENT OF A PRODUCTIVE, SAFE AND RELIABLE TRANSPORTATION NETWORK.

CANADA HAS THE PEOPLE, THE TECHNOLOGICAL EXPERTISE AND THE RESOURCES TO STAY A STEP AHEAD IN TRANSPORTATION.

WE MUST MAKE THE COMMITMENT TO TURN THOSE STRENGTHS INTO ECONOMIC ADVANTAGES NOW AND IN THE FUTURE.

SIMPLY PUT, OUR GOAL IS TO GET CANADA MOVING AGAIN SAFELY, EFFICIENTLY AND PRODUCTIVELY.

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COMMISSION OF INQUIRY HINTON TRAIN COLLISION

REPORT OF THE COMMISSIONER
THE HONOURABLE MR. JUSTICE RENÉ P. FOISY
DECEMBER, 1986



COMMISSION OF INQUIRY
HINTON TRAIN COLLISION

Commissioner : The Hon. Mr. Justice René P. Foisy
Commissaire : L'Honorable Juge René P. Foisy
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TO HER EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

MAY IT PLEASE YOUR EXCELLENCY

I, the Commissioner appointed by Order in Council dated 10th February 1986 as revised and amended on 26th June 1986 to inquire into and report upon the specific circumstances, reasons and causes for the Hinton Train Collision on the 8th February 1986; the adequacy of federal law, regulation, and standards and the adequacy of railway practices, procedures and standards, all as they relate to safe railway operations and this collision; and to offer recommendations for changes and reforms in railway operations that will reduce the risk of future mishaps and contribute to overall rail safety in Canada and as more specifically set forth in the said Order in Council as revised and amended: Beg to submit to your Excellency this Report.

René P. Foisy
Commissioner

December, 1986

IV. LIST OF RECOMMENDATIONS

Rest:

1. That the government take immediate steps to regulate the hours of work of running crew employees so as to ensure that acceptable levels of vigilance are likely to be maintained for the entire duration of each train movement.
2. That this be accomplished through a mandatory period of off-duty time which until appropriate regulations can be formulated, should be no less than 10 consecutive hours in each 24 hour period with an additional 48 consecutive hours in each period of 168 hours. This interim measure is to be superimposed on the existing system by which crew members may book rest when they consider they need it.
3. That the determination of the form of regulation which will replace the interim provision be completed within 18 months.

Work Scheduling:

4. That the railways be required to alter the system of freight crew work assignments as necessary to:
 - a) permit crew members to be advised at least 7 days in advance of the approximate times at which they will be required to work.
 - b) assign crews in such a way that their work is performed at roughly the same time of day, each day they are on duty.
 - c) coordinate the operations of trains moving in opposite directions on the same routes, so that layovers in the away-from-home terminals do not exceed approximately 3 hours.

Working Conditions:

5. That railways immediately institute improvements in conditions on existing locomotives by implementing the recommendations of the 1984 CTC Report on Cab Conditions as to noise, temperature, vibration, seating, toilet facilities and hand washing facilities.
6. That the railways give attention to ergonomic principles in effecting design and specification improvements in all new or refurbished locomotive cabs.

Medical Supervision:

7. That CN be required to audit the procedures and policies of its medical office regarding the assessment, monitoring and maintenance of the health of running crew employees with a view to identifying specific deficiencies and developing policies and procedures which are effective to ensure that the medical condition of its operating personnel is consistent with the highest safety standards.

8. That a legislative provision be enacted similar to Section 5.5 of the *Aeronautics Act*, requiring physicians who discover that a running crew employee has a medical condition likely to constitute a hazard to rail safety, to inform the railway medical officer of his opinion and reasons therefore.
9. That CN take steps to establish effective coordination of the functions of its medical officers and operational officers.
10. That the CTC review its regulations concerning medical fitness with a view to including standards with respect to matters of physical health in addition to vision and hearing acuity and that regulations establishing such standards be promulgated as soon as possible.

Employee Assistance Program:

11. That the structure of CN's Employee Assistance Program be reviewed and improved to ensure that it provides effective monitoring of, and continuing support for employees participating in it as long as is necessary, and that it is designed so that an employee whose problem persists notwithstanding participation in the program, is not assigned to duty.
12. That CN take whatever steps may be necessary to ensure that management officers do not consider or treat the Employee Assistance Program as a substitute for normal management function.

CN's Supervision and Discipline:

13. That CN re-evaluate its policies and procedures with respect to supervision and discipline and introduce such changes as are necessary to establish an effective means of ensuring that running crews carry out their duties in strict compliance with the rules.
14. That CN instruct its supervisory personnel to give rule compliance and monitoring a high priority and that it take steps to ensure that the supervisory activities of its operation managers convey to running crew employees that such a priority has been established.
15. That CN adopt effective monitoring techniques, in particular, a system of created efficiency tests of a type employed by CP Rail in addition to intensifying rule monitoring of the type presently used.
16. That CN alter the fraternal approach it takes to supervision and discipline.
17. That CN review its policies with respect to the recording of discipline and ensure that every detected breach of the rules is recorded.
18. That CN adopt a policy of determining the number of demerit points awarded in any particular case on the basis of the employee's entire disciplinary record.
19. That CN establish a policy of increased supervision and monitoring of the operations of any crew member whose total demerit points exceeds 40.
20. That the CTC take whatever steps are necessary to determine whether or not CN alters and improves its policies and procedures in this regard and to bring about this result if CN does not do so on its own.

Government Involvement in Regulation of Operations:

21. That the government take immediate steps to make the Uniform Code of Operating Rules current and to maintain it in that condition.
22. That the regulatory system be restructured so that the rule making function is not assigned to the same agency as the supervision, enforcement and investigation functions.
23. That the agency charged with supervision, enforcement and investigation be given adequate manpower for the effective fulfillment of its function.
24. That the agency charged with enforcement of the rules adopt a policy of prosecution of railways and individuals who are in breach of the rules and that any legislative amendments necessary to permit the effective adoption of such a policy be given high priority.
25. That a procedure be adopted similar to that established by Sections 6.6 to 7.2 of the *Aeronautics Act* by which the Minister of Transport may assess penalties for certain designated offences using a summary procedure which includes a right of appeal. This would be in addition to conventional prosecutions.

Safety Control Appliances:

26. That CN Rail continue with the full implementation of its program to install reset safety control appliances in locomotives so that by January 1, 1988 all lead locomotives will be equipped with this device and, that in the interim CN adopt a policy by which the first criterion for determining which locomotive will be in the lead position is the presence of a reset safety control device.
27. That all VIA Rail locomotives be equipped with reset safety control devices by January 1, 1988 and that all new locomotives purchased by VIA Rail be equipped with reset safety controls.
28. That CP Rail embark on a program of installing RSC appliances in its locomotives similar to that which has been undertaken by CN according to a time table to be approved by the RTC.
29. That the RTC amend its regulations to provide that the deadman's pedal or other similar device does not constitute compliance with the regulation.
30. That the RTC take such steps as are necessary to ensure that any employee who renders any safety control appliance inoperative is prosecuted and that the railways dismiss such an employee.
31. That the RTC adopt a policy of immediately bringing to the attention of the highest level of railway management any information concerning interference with safety control appliances and that any railway tolerating such interference be prosecuted.
32. That such amendment of legislation as is necessary to make prosecutions of this type effective be passed as soon as possible. Penalties for rendering any safety control appliance inoperative should be severe.

Remote Mechanical Intervention – ATCS:

33. That the RTC or such other agency as may be assigned to monitor the development of ATCS, establish, in conjunction with the railways, a critical path schedule, whereby the remote intervention and enforcement aspects of Level 30 of ATCS will be in place on all CTC controlled main line tracks in Canada by the end of 1989.
34. That as soon as possible after 1989 at least the remote enforcement aspects of ATCS be implemented on secondary and branch lines.
35. That if the railways do not commit to a cooperative and voluntary schedule of implementation of the remote intervention and enforcement aspects of Level 30 of ATCS, or in the event any cooperative and voluntary commitment entered into is not complied with, then a hearing be ordered forthwith whereat the railways be required to show cause why an effective form of remote intervention and control to enforce speed and authority limits cannot be implemented immediately.

Rule 3.2(b):

36. That CN amend the Rule 3.2(b) to ensure that it cannot be interpreted as permitting the conductor any discretion as to whether he should apply the emergency brake if he does not receive a response to a call initiated in compliance with the Rule.
37. That the words “when practicable” be completely removed from the Rule.
38. That CN take such steps as are necessary to ensure that all crew members are aware that the Rule does not provide to them any discretion whatsoever.

Oral Notification of Meets:

39. That on all main line CTC controlled territory dispatchers provide oral notification of train meets wherever possible by advising head-end crews where the meet is anticipated to occur.
40. That it be mandatory for dispatchers to advise head-end crews of every meet involving a passenger train.

Passenger Safety:

41. That VIA Rail be required to install emergency breakout windows in any of its existing passenger equipment which it plans to retain in service for a period of three or more years.
42. That the RTC establish regulations setting the minimum standards required for emergency exit windows in passenger equipment.
43. That VIA Rail be required to clearly mark each emergency exit in its passenger equipment, install by every door of every passenger car a placard describing the location of emergency exits and emergency equipment, and instruct its onboard service personnel to draw the attention of passengers to these notices.
44. That VIA Rail ensure that the existing fire extinguishers on passenger cars are of adequate capacity and reliability, and that employees are properly instructed in their use.
45. That the CTC review the adequacy of its regulations concerning the standards for fire extinguishers.

M-TRAC

for rail safety

TRO TORONTO RESIDENTS' ACTION COMMITTEE

University Avenue, Suite 1202, Toronto, Ontario, M5H 3M7

Telex 065-24481

Phone (416) 365-0301

REGISTERED MAIL

November 26, 1991

Honourable Shirley Martin PC MP
Minister of State Transport
Room 584 Confederation Building
House of Commons
Ottawa K1A 0N5

Dear Minister:

Thank you for your letter of November 8, 1991, regarding the lack of safety in the absence of flashing lights at the end of trains as previously required by law.

There is no "high luminosity" from the postage-sized reflector on the end-of-train unit, which replaced the well-lit caboose. The existing "luminosity" becomes decidedly obscured during periods of rain, snow, fog and mud. In the dead of night road traffic at unprotected crossings are at risk. And so are oncoming trains approaching a disable train which has lost its communications. The "sophisticated communications and computer systems" do not account for runaway trains and other problems which have sent train accidents flying into high numbers.

As for your statement that there is no evidence that tank cars containing dangerous goods have been marshalled at the rear of trains, with end-of-train units attached, I can assure you the report of such an occurrence came from a very reliable and experienced observer. It is incredible how far inspections by your Railway Safety Directorate has been allowed to deteriorate.

The requirement of a flashing light at the rear of cabooseless trains was imposed as a ruling of the Railway Transport Committee of the Canadian Transport Commission. It was a specific condition of cabooseless operations, made under the Railway Act which still exists although in skeleton form.

As an official party in the RTC proceedings on the cabooseless hearings right across the country, we had the right to be informed if the ruling, which had the force of law, was to be crushed or overturned. We were neither consulted nor notified that the carriers had called for a review.

Honourable Shirley Martin -- 2.

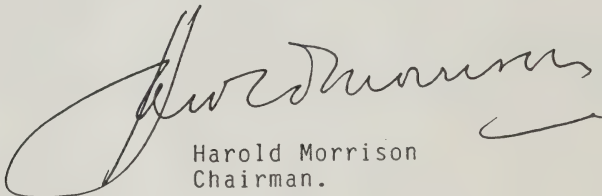
What is the truth of the matter? That the carriers found maintenance of the flashing light and batteries too costly? And that Transport Canada rushed to support the carriers even if this meant higher risks for the public at large?

The process whereby the ruling on flashing lights was set aside was on the face of it undemocratic. There is no appeal process written into the Railway Safety Act although we tried hard during the drafting stages to have such an appeal channel included. What in fact has resulted is a dictatorial order which defies the rights of affected regions, municipalities and the public to obtain protection from involuntary risks.

No wonder the number of deaths at crossings has increased. Your Railway Safety Directorate has been riding roughshod over the warnings and recommendations of Mr. Justice Samuel Grange and Mr. Justice Rene Fois.

This matter will be included in our forthcoming submission to the Governor in Council.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Harold Morrison", with a long, sweeping horizontal stroke extending to the right.

Harold Morrison
Chairman.



NOV - 8 1991

Mr. Harold Morrison
Chairman
Metro Toronto Residents'
Action Committee (M-TRAC)
1202-181 University Avenue
Toronto, Ontario
M5H 3M7

Dear Mr. Morrison:

I am writing in reference to your letter of July 16, 1991, to the Minister of Transport, concerning the removal of the caboose from freight trains in Canada. I apologize for the lengthy delay in responding.

I appreciate being informed of your organization's outstanding concerns about this matter. Prior to the implementation of cabooseless train operations, there were various safeguards in place in the eventuality of a malfunction of any of the various components of the end of train information braking system, which would include the highly visible marker (flashing light). These safeguards form the operative portion of CTC Order No. R-41300.

Your reference to trains being observed with malfunctioning flashing lights is in all probability due to the fact that there was no flashing light on the rear of the trains in question. The absence of flashing lights at the rear of freight trains was brought about shortly after the inception of the new Canadian Rail Operating Rules, which allowed for the use of a reflectorized marker in place of the flashing light.

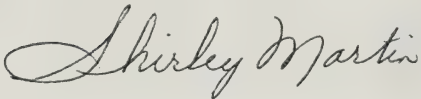
I can appreciate your concerns with respect to tank cars being placed at the rear of a cabooseless train. However, there is no evidence available of an instance when a dangerous commodity tank car equipped with a flashing light has been marshalled at the rear of a cabooseless freight train.

.../2

It must be emphasized that protection of the movement of trains on Canadian railways is not dependent on the positioning of a red light on the last car of a train. Rather, safety in rail operations is maintained through adherence to comprehensive operating rules by trained personnel using sophisticated communications and computer systems. For the purposes of identifying the back of a train, a high luminosity reflector is sufficient.

I hope that the foregoing has helped to alleviate your concerns. Thank you for taking the time to share your views on the subject.

Yours sincerely,

A handwritten signature in cursive script, reading "Shirley Martin". The signature is fluid and elegant, with the first letter of "Shirley" being a large, stylized capital 'S'.

Shirley Martin

M-TRAC

for rail safety

TRO TORONTO RESIDENTS' ACTION COMMITTEE

University Avenue, Suite 1202, Toronto, Ontario, M5H 3M7

Telex 065-24481

Phone (416) 365-0301

July 16, 1991

Honourable Jean Corbeil PC MP
Minister of Transport
Transport Canada Building
Place de Ville
Ottawa K1A 0N5

Dear Minister:

With the official elimination of the caboose and the removal of the railway employee from the end of freight trains, we believe you will agree with us that malfunctions in the end of train unit would be a serious factor in the maintenance of railway safety, especially in long, fast-moving trains travelling through dense population areas.

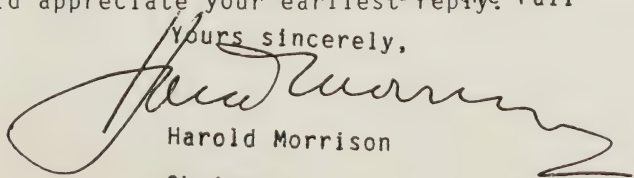
Information has been brought to our attention that freight trains have been observed with obvious defects in the flashing light in end of train units. You will recall that the Canadian Transport Commission, in agreeing to allow replacement of the caboose with the end of train unit, strongly insisted that there be a flashing light on the unit at all times. You can imagine the difficulties if the light failed even in daylight, especially in periods of fog, rain, snow and the beginning of twilight.

Moreover, information has been brought to our attention that in some cases the end of train unit has been seen attached to the rear of a dangerous goods tank car. With the possibility of a tank car leak and a spark from the unit causing an explosion or fire, it would appear unsafe to allow these units to be attached to a tank car.

We cannot understand why such risks would be allowed. Can you imagine the problems for an oncoming train running behind a long freight train with a failed flashing light and the unit attached to the rear of a dangerous goods tank car?

Rail accidents across the country have risen very sharply. Our directors are of the opinion that a portion of that increase can be attributed to the lack of vigilance somewhere inside the rail inspection system. We would appreciate your earliest reply.

Yours sincerely,



Harold Morrison

Chairman.

